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The Law of **PRIVACY . . . .**

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ALWAYS CONSULT A. L. R.

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"THE doctrine of privacy," says the editor of the annotation in 138 A.L.R. 22, "is still very much in its infancy fifty years after its conception.

"Although . . . courts have long recognized rights that were essentially the same as the right of privacy, under the guise of property rights, rights of contract, etc., it was not until the publication in 1890 of the article by Warren and Brandeis (later Justice Brandeis) in 4 Harvard L. Rev. 193, that the right was introduced and defined as an independent right and the distinctive principles upon which it is based were formulated."

The doctrine of privacy has had a checkered career, approved in California, District of Columbia, Georgia, Kansas, Kentucky, Missouri, North Carolina, Ohio, Oregon and Pennsylvania, dodged in Arkansas, England, Massachusetts, Montana and Wisconsin, looked on skeptically by Michigan, smiled on in Louisiana, New Jersey and South Carolina, absolutely denied in Rhode Island, and definitely established by statute in New York.

This annotation contains a very valuable discussion of the remedies, damages, and procedural matters involved in this interesting question. This is only one of the over 12,000 exhaustive annotations in the American Law Reports. Let us submit our latest offer.

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LAW LIBRARY JOURNAL

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CANADA'S WAR AND EMERGENCY LEGISLATION*

BY GEORGE A. JOHNSTON

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"Legislation" is defined in Wharton's *Law Lexicon*, as "any set of statutes." In the *Oxford Dictionary*, however, it is said to be "the whole body of enacted laws;" and as a law, according to Wharton, is "a rule of action to which men are obliged to make their conduct conformable," the term is perhaps broad enough to include orders made by the Governor in Council and by various boards and officials. If this paper were to be concerned with statutes only, it would not be very long, as Parliament has been in session for only a few short periods since the war began. There has, however, been a great deal of legislation by order, which will have to be considered at some length.

The statutes passed by Parliament, by reason of the present war, may be conveniently classified as 1) financing acts, 2) acts dealing with government departmental machinery, 3) the National Resources Mobilization Act, 4) the Plebiscite Act, and 5) other acts.

Statutes of the first division are the most numerous. By Excise Act amendments in each year, duties on spirits, brandy, beer, malt, and tobacco, were considerably increased; customs duties were imposed on certain things and increased on others; income taxes payable by persons and corporations were enormously increased by Income War Tax Act amendments, and exemptions were cut down so that many thousands of Canadians pay now who never did before. A National Defence Tax of 2 or 3 per cent, now 5 or 7 per cent, was imposed on the income of every person making over $1,200 per year, or $600 in the case of a single person, with tax credits for dependents. By amendments of the Special War Revenue Act, taxes were imposed or increased on such articles as matches, automobiles, cameras, toilet articles, bets, telephone calls, and playing cards. A War Exchange Tax of 10 per cent was imposed on the value of all goods imported from non-Empire countries, with certain exceptions. In 1940 the Dominion government for the first time imposed inheritance taxes. Up to that time taxes on successions had been levied only by the governments of the provinces. An Excess Profits Tax Act was passed which imposes a 75 per cent tax on excess profits as defined in the Act. This is of course in addition to income tax. The tax revenue of the government has increased from around half a billion to nearly one and a half billion dollars annually. Loan acts were passed, under which over two billion dollars have been raised. An act was recently passed which authorized the Min-

* As of May, 1942. Editor's note.

ister of Finance to enter into agreements with the governments of the provinces whereby they agree to cease to levy income and corporation taxes during wartime and the Dominion will make payments to them by way of compensation.

Four new government departments have been set up. A Minister of Munitions and Supply was appointed to "examine into and organize the resources of Canada contributory to and the sources of supply of munitions of war and supplies and the agencies available for the supply of the same and for the execution and carrying out of defence projects." He was given powers to "mobilize, control, restrict, or regulate * * * any branch of trade or industry in Canada or any munitions of war or supplies."

A Minister of National Defence for Naval Services and a Minister of National Defence for Air were appointed to exercise all the powers formerly exercised by the Minister of National Defence, in matters relating to the naval and the air services respectively.

The Minister of the new Department of National War Services conducted a national registration in 1940 and is charged with the mobilization and training of men called up under the National War Services Regulations, the collection and dissemination of public information, the administration of the War Charities Act, the promotion and coördination of the volunteer efforts of the women of Canada, encouragement of the conservation and salvage of raw materials, and "such other duties as may be assigned to him from time to time by the Governor in Council."

The National Resources Mobilization Act was passed in June 1940 to give the government "special emergency powers to permit of the mobilization of all of the effective resources of the nation, both human and material, for the purpose of the defence and security of Canada." The act provides that "the Governor in Council may do and authorize such acts and things and make from time to time such orders and regulations, requiring persons to place themselves, their services and their property at the disposal of His Majesty in the right of Canada, as may be deemed necessary or expedient for securing the public safety, the defence of Canada, the maintenance of public order, or the efficient prosecution of the war, or for maintaining supplies or services essential to the life of the community." Section 3 of the Act stipulates that these powers must not be exercised for the purpose of requiring persons to serve in the military, naval, or air forces outside of Canada.

The Dominion Plebiscite Act, passed in 1942, authorized the taking of a plebiscite for the purpose of submitting to the v ters the question: "Are you in favour of releasing the Government from any obligation arising out of any past commitments respecting the methods of raising men for military service?" The Government considered this necessary because of the promise made in the 1940 election campaign, that there would be no conscription for overseas service, and because of the limitation in the National Resources Mobilization Act, just referred to.

Other war statutes may be shortly listed as follows:

1) The Royal Canadian Air Force Act. This gave the name "Royal Canadian Air Force" to the force which had been built up under the Aeronautics Act and made provisions with respect to the constitution and government thereof.

2) The Civil Employment Reinstatement Act. This act provided for reinstatement in their previous employment of persons who have enlisted to serve in the forces.

3) The War Charities Act. War charity funds were required to be registered and to comply with certain conditions.

4) The Defence Purchases Profits Control and Financing Act. This act was passed in June 1939. Its purpose was to establish a board "to control the awarding of contracts for the manufacture of defence equipment and the construction of defence projects, to limit costs and control profits in respect of such contracts and to authorize the raising by way of loans, of certain sums of money for such purposes."

5) The Compensation (Defence) Act. This act provided for "the determination of any compensation payable for the requisition or acquisition of any vessel or aircraft or the requirement of any space or accommodation in any vessel" acquired or required by His Majesty.

6) The Treachery Act. This act made it a capital offence to do, attempt or conspire with any other person to do, with intent to help the enemy, "any act which is designed or likely to give assistance to the naval, military, or air operations of the enemy, to impede such operations of His Majesty's forces, or to endanger life."

7) The War Exchange Conservation Act was passed with the object of preserving Canadian exchange. The importation of goods of many kinds was prohibited except by permit.

8) The War Risk Insurance Act gives to the Minister of Finance authority to "enter into a contract of insurance with any person to insure against the risk of war damage, any property in which such person has an insurable interest."

Two other statutes should be mentioned here although both were passed long before the present war, the Militia Act and the War Measures Act. The Militia Act provides for the enrolment and control of the militia and empowers the Governor in Council to make regulations for its "organization, discipline, and good government generally" and for "anything requiring to be done in connection with the military defence of Canada." Under this power, the "King's Regulations and Orders for the Canadian Militia" have been passed. The act incorporates into the body of Canadian military law much of the military law of Great Britain. Provision is made in the act for a permanent force not exceeding 10,000 men, and all British male inhabitants of Canada from 18 to 60 years of age, not exempt or disqualified by law, may be required to serve in the militia and may be called out on active service, "anywhere in Canada and also beyond Canada, for the defence thereof, at any time when it appears advisable so to do by reason of emergency." In August 1939 an order in Council was issued, which authorized the Minister of National Defence to call out the militia. He calls out units by notice published in the *Canada Gazette*. Before the end of 1941 about 425,000 men had voluntarily enlisted in the Navy, Army, and Air Force, and were on active service.

The War Measures Act was passed in 1914 and is to be found, with minor changes, in the *Revised Statutes of Canada 1927*. It gives the executive extensive lawmaking authority which is normally exercised by Parliament. When "war, invasion, or insurrection, real or apprehended, exists," the Governor in Council—actually the Government, or Cabinet—"may do and authorize such acts and things and make from time to time such orders and regulations as he may * * * deem necessary or advisable for the security, defence, peace, order, and welfare of Canada." All orders and regulations made under this sweeping section are given the force of law. To

bring the provisions of the act into operation, a proclamation was made on September 1, 1939. The great body of Canadian war legislation consists of orders in Council passed under the authority of this act, and orders of boards established and of administrators and controllers appointed by or under such orders in Council. Sometimes an order is said to be made pursuant to some other act, but the authority of the War Measures Act is invoked as well, for greater security.

Over 20,000 orders in Council have been passed since the beginning of the war, and many wartime organizations have been created and administrative officials appointed and orders have been made by them. It will be possible here only to consider briefly a few of the more important of these organizations and of the regulations which have been established. Those which will be mentioned are:

a) certain boards formed to deal with agricultural products;

b) the National War Labor Board, the Wartime Industries Control Board, the Wartime Prices Control Board, the Foreign Exchange Control Board and the Export Permits Branch of the Department of Trade and Commerce, which exercise Canada's "economic controls";

c) the Trading with the Enemy Regulations; and

d) the Defence of Canada Regulations.

In September 1939 an Agricultural Supplies Committee was appointed and given certain powers as to the production, purchase, and distribution of supplies for use in agricultural production. A new order in Council, in March 1940, established the Agricultural Supplies Board in its place. On the recommendation of this Board, orders in Council have been passed making regulations as to seeds, fertilizers, and pesticides, and administrators of these commodities have been appointed.

Three boards, the Bacon Board, the Dairy Products Board, and the Special Products Board, were established by reason of agreements made to supply bacon and other pork products, dairy and other agricultural products, principally eggs, to the United Kingdom. Wide powers of control and regulation were given to these boards in order that the required supplies would be available for export. Boards have been established also to act as selling agencies for the marketing of Nova Scotia and British Columbia apples, which cannot now be sent overseas.

The National War Labour Board was established in October 1941 by an order in Council, known as the Wartime Wages and Cost of Living Bonus Order. Its purpose was to achieve "a stabilization of wage rates at fair and reasonable levels in the interest of the war effort." Its main provision is that "except on written permission of the national Board, no employer shall increase or decrease the basic scale of wage rates paid by him at the effective date of this Order." Provision is made for increasing rates of wages in certain cases and for payment of "cost of living bonuses." Nine Regional War Labour Boards were provided for by the order, one for each province, to "be charged with such duties and responsibilities as may be assigned" by the national Board. Many orders had already been passed dealing with labour. Regulations had been made as to the procedure to be followed prior to the calling of strikes; a National Labour Supply Council had been established to advise the Minister; a committee had been

formed "to coordinate the functions and activities of all Government agencies in relation to affairs affecting labour"; and a Wartime Bureau of Technical Personnel had been set up.

The Wartime Salaries Order should be mentioned here, although it is not administered by the National War Labour Board but by the Minister of National Revenue. It was passed in November 1941, "to stabilize the rates of managerial and executive salaries paid during wartime in the same general way as wage rates are stabilized under the Wartime Wages and Cost of Living Bonus Order." The general rule laid down, with exceptions and qualifications, is that employers must not increase the rate of salary of salaried officials above "the most recent salary rate established and payable prior to November 7, 1941." Salaried officials are defined in the order as employees "above the rank of foreman or comparable rank." One receiving $250 a month is deemed to be above that rank, while one receiving less than $175 is deemed not to be. In cases of doubt as to which order governs, a Regional Board or the National Board is to decide.

The Wartime Industries Control Board was established by order in Council in June 1940 and refashioned in August 1941. It is now one of the most important of Canada's special war organizations. In June 1939 the Defence Purchasing Board was appointed to control the awarding of contracts for the manufacture of defence equipment and the construction of defence projects. It was to act upon the requisition of the Minister of National Defence. Tenders were to be invited whenever practicable, all contracts were to be approved by the Governor in Council, and the maximum net profit on any contract was to be five per cent. This Board was superseded by the War Supply Board, established by an order in Council which recited that, as the country was now at war and a very large expenditure of public moneys would have to be made, a board should be appointed with authority to "take steps to mobilize, conserve and coordinate the economic and industrial facilities available in respect of munitions supplies and defence projects for the effective prosecution of the war and to procure munitions and supplies and insure the carrying out of defence projects and insure a proper allotment of such munitions and supplies to such agencies as might require same." The work of the Board and contracts made by or with it were taken over by the Ministry of Munitions and Supply by order in Council in April 1940.

In the summer of 1940 controllers of various commodities were appointed on the recommendation of the Minister of Munitions and Supply. In each order appointing a controller, were regulations in which the powers of the controller were set out. A controller may acquire, sell, exchange, or generally deal in his commodity, take possession of any plant producing or capable of producing it, fix quantities or grades, require anyone dealing with it to take out a licence, and require the making of returns. In fact, the controller's powers over his commodity are almost unlimited. Controllers have been appointed for steel, timber, oil, construction, chemicals, machine tools, motor vehicles, metals, power, and a number of other commodities. There is a Controller of Supplies, who has under his control a number of commodities, services, and articles, which is constantly

growing, because "supplies," in the order in Council establishing the regulations respecting supplies, is said to mean, "any of those goods or services which the Minister shall from time to time by order in writing signed by him designate as being 'supplies.'" Cork, fibre, kapok, metal products, radios, refrigerators, rubber, and silk have all been designated as "supplies." The orders restricting the purchase and use of tires and tubes have been made by the Controller of Supplies.

Originally the controllers worked more or less independently, but they were all members of the Wartime Industries Control Board; and the Regulations of this Board were passed in August 1941 to take, through the Board, "further measures to promote coordination and integration of the functions and activities of such controllers and to charge special duties upon such Board." The Board consists now of the controllers, the chairman, the chairman of the Wartime Prices and Trade Board or his appointee, and any other persons appointed by the Minister of Munitions and Supply. The powers of controllers were restricted. Their orders must now be approved by the chairman of the Board and orders as to prices must have also the concurrence of the chairman of the Wartime Prices and Trade Board. The Board now issues orders itself, considers the orders of the controllers, and coordinates their work.

The Wartime Prices and Trade Board was established in September 1939 by an order in Council which recited the desirability of providing "safeguards under war conditions against any undue enhancement in the prices of food, fuel and other necessaries of life and to ensure an adequate supply and equitable distribution of such commodities." "Regulations respecting Necessaries of Life" were made; and the Board was empowered to investigate costs, profits, prices, and stocks of goods, to require manufacturers, producers, jobbers, wholesalers or retailers to obtain licences, to fix maximum prices, to fix and limit amounts of any necessaries that might be sold or bought by any person, and to take possession of any supplies, in certain cases. These regulations have been amended and consolidated and are now cited as "The Wartime Prices and Trade Board Regulations." Orders of the Board, if published in the *Canada Gazette*, have the same force and effect as if they were expressly set out in the order in Council. The "Maximum Prices Regulations," established in November 1941, provide that no person may "sell or supply, or offer to sell or supply, any goods or services at a price that is higher than the maximum price," which is "the highest lawful price at which such person sold or supplied goods or services of the same kind and quality" between September 15 and October 11, 1941. The Board is given power to vary maximum prices or to exempt any person, goods, services, or transaction from the provisions of the regulations. Orders have been made by the Board as to prices of many different commodities, articles and services, ranging from onions to rail rates. The Board has jurisdiction over the prices of goods and services of all kinds and also over their production and distribution unless they are within the field of some controller under the Wartime Industries Control Board. As the latter Board is concerned with materials more definitely connected with the war, the Wartime Prices and Trade Board has

to do chiefly with goods or services consumed or used by the people at large The chairman of each of these boards is a member of the other, and any controller, whose commodity is being dealt with by the Wartime Prices and Trade Board becomes, for the time being, a member of that Board. While the Wartime Industries Control Board has power to control certain war commodities, the Wartime Prices and Trade Board has power to control the supply of all other goods and services and the prices of all goods and services.

Administrators have been appointed by the Wartime Prices and Trade Board and the appointments have been approved by order in Council for a number of commodities and services, among which are oils, sugar, coal, hides and leather, wool, and rentals. Maximum Rentals Regulations have been passed "freezing" rentals, as they were on October 11, 1941. The powers of the administrators have been set out in these orders and also in an order made by the Board. They have very wide powers over their respective commodities or services, very similar to those exercised by the Wartime Industries Control Board controllers. Any person dissatisfied with any ruling or decision of an administrator may appeal to the Board. The administrators administer the regulations passed by order in Council which affect their particular commodity or service, as well as the orders of the Board; and they themselves make orders, which must be approved by the chairman of the Board.

The Wartime Prices and Trade Board was given special duties by the amendment of the Special War Revenue Act and by the War Exchange Conservation Act, both mentioned above. It must report any cases where advantage has been taken of the taxes imposed by either of these acts to increase prices or maintain them at unjustifiable levels.

The Foreign Exchange Control Board was established by order in Council in September 1939. Its main purpose is said to be "to balance as far as possible, Canada's income and outgo of United States dollars in order to ensure that United States dollars will be available as required, to obtain vital war and other imports and at the same time to meet contractual obligations payable in United States currency." To avoid a rush of capital from the country, all dealings in foreign exchange must be made through the Board. All Canadian chartered banks are authorized agents of the Board. Anyone desiring to export goods must have a licence to do so and must take payment in foreign exchange, which must be declared and offered to the Board. Importers also must obtain licences. No person may leave Canada without declaring to the Board the reasons and his proposed expenditures and obtaining a permit to travel and take the required money. Foreign securities held by Canadian residents have been acquired by the Board and foreign exchange rates have been fixed and held. Special provisions have been made for foreign investors and for the convenience of visitors. The Board is authorized to make regulations with respect to forms and procedure and generally as to matters arising in its operations. Such regulations have been made and published in the *Canada Gazette*.

Orders in Council were passed in the first year of the war, under the Customs Act and the War Measures Act, pro-

hibiting the export of certain products or export to certain destinations without permits, and in April 1941 a centralized control was established for the issuance of export permits for all products for which such permits were required. An Export Permit Branch was set up in the Department of Trade and Commerce and the Minister was authorized to issue regulations governing the granting of permits. Export of certain articles without permit was prohibited, as was the export of any goods to any non-Empire country outside the Western Hemisphere or to the colonies or possessions of France. Before a permit is issued in respect to any product under the jurisdiction of a board, administrator, or controller, the Export Permit Branch must consult with and secure the advice of a responsible official of the board or the administrator or controller. The Branch issued an order in May 1941 containing many provisions as to how applications are to be made for permits, with a schedule of commodities subject to its control.

Two other sets of Regulations must be considered in any discussion of Canadian war legislation, the Trading with the Enemy Regulations and the Defence of Canada Regulations. The Trading with the Enemy Regulations were made in September 1939 and have been amended from time to time and consolidated, all by order in Council. Trading with the enemy is made an offence, punishable by fine and imprisonment. Many kinds of transactions are declared to constitute such trading and the word "enemy" is said to include not only persons residing or carrying on business within enemy territory but also many persons in neutral countries who are deemed to have enemy character. Lists of these "specified persons" are issued from time to time and published in the *Canada Gazette*. All rights, properties, and interests in Canada which belonged to enemies have been declared to be vested in the Custodian of Enemy Property, who is entitled to receive and to collect any payments owing to an enemy. The Patents, Designs, Copyright and Trade Marks (Emergency) Order gives the Commissioner of Patents certain powers over interests in patents, designs, copyrights, and trade marks owned by enemies.

The Defence of Canada Regulations appeared in an order in Council of September 3, 1939, and have been amended many times and consolidated. They deal with many matters affecting the safety of the country. Certain places are declared to be "protected places" and access thereto is restricted; means of communication are controlled; provisions are made for safeguarding information, for arrest, detention and internment of aliens, for preventing sabotage, for censorship and control of shipping. Perhaps the most drastic regulation is that which empowers the Minister of Justice, "if satisfied that, with a view to preventing any particular person from acting in any manner prejudicial to the public safety or the state, it is necessary so to do," to direct "that he be detained in such place and under such conditions" as he may determine. Any person so detained is deemed to be in legal custody. Certain associations, societies, groups, or organizations are declared to be "illegal organizations"; and the list may be extended by notice published in the *Canada Gazette*. Any officer or member of such an organization is guilty of an offence. It is an offence also to "print, publish,

issue, have knowingly" in quantity, circulate or distribute anything containing any material, report, or statement "intended or likely to be prejudicial to the safety of the state or the efficient prosecution of the war." It is forbidden to "act in any manner, spread reports or make statements or utterances intended or likely to be prejudicial to the safety of the state or the efficient prosecution of the war." Most of the cases in which Canadian war measures have been considered in the courts have arisen from violations of these regulations, or from arrests and detention under their authority.

Although orders in Council made under the authority of statutes have the force of law, they are not available in any convenient form, as are statutes. Most of the orders in Council under the War Measures Act and most of the orders made by the boards mentioned and by the controllers and administrators, appear in the *Canada Gazette*. Some of them must be published in the *Gazette*. Orders in Council relating to the war "which are regarded as of general or widespread interest and concern" have appeared in five volumes entitled *Proclamations and Orders in Council Relating to the War*, issued by the King's Printer. Certain of the most important of the Regulations, such as the Defence of Canada Regulations and the Patents, Designs, Copyright and Trade Mark (Emergency) Order 1939, come only in pamphlet form. To obtain these and any others which may not be in the *Gazette* or in any of the volumes of *Proclamations and Orders*, it is necessary to write to the King's Printer. The field is well covered by *Emergency Laws, Orders and Regulations of Canada*, published by Richard DeBoo Ltd., of Toronto. This is a looseleaf service showing regulations in their current form, with notes indicating where amendments have been made. Reference should be made here too, to A. F. W. Plumptre's book, *Mobilizing Canada's Resources for War*, published by Macmillan in 1941, which tells what Canada has done in the war, why monetary, price, and commodity controls have been instituted, and how the various control organizations work.

BIBLIOGRAPHY

Statutes

Annual volumes 1939 to date, Statutes of Canada.

Militia Act, Revised Statutes of Canada 1927, chap. 132.

War Measures Act, R.S.C. 1927, chap. 206.

Orders in Council, Orders of Boards and Administrative Officals

Canada Gazette, volumes 73, 74, and 75. King's Printer, Ottawa, one volume per year, commencing July 1, in weekly parts, with extras whose contents are later incorporated in the parts. Indexes weekly and yearly. $8.00 per year. Most but not all war orders appear in the Gazette.

Proclamations and Orders in Council relating to the War. King's Printer, Ottawa, paper bound volumes at irregular intervals. Fifty cents per volume, five volumes to date. Contain orders and proclamations "which are regarded as of general or widespread interest and concern."

In Pamphlet form:

Defence of Canada Regulations (Consolidation) 1941.

Foreign Exchange Control Order, Regulations &c 1942.

The Patents, Designs, Copyright & Trade Mark (Emergency) Order 1939.

Export Permit Regulations 1942.

These and copies of individual orders and sets of regulations issued by King's Printer at a nominal sum.

Bulletins, Memoranda, Circulars & Press Releases, sent out at a nominal price by Departments and Boards, *e.g.* Dept. of Na-

tional Revenue, Dept. of Munitions & Supply, National War Labour Board, Wartime Prices & Trade Board. See "Catalogue of Official Publications of the Parliament and Government of Canada," June, 1939, and supplements.

Services.

Emergency Laws, Orders & Regulations of Canada. Richard DeBoo Ltd., Toronto. $35.00 plus $7.50 quarterly. Looseleaf service, kept up to date. Covers a very wide range, and is very complete and easy to use. Shows regulations in current form with preliminary notes and cross references. Notes indicate where there have been amendments.

Government Regulations Consolidation Service. Sanford Evans & Co., Ltd., 171 McDermot Ave., Winnipeg. Folio looseleaf mimeographed service, kept up to date. Covers National War Labour Board, Wartime Prices & Trade Board, Rentals Administration and Wartime Industries Control Board. Cost of each is $10.00, with extra charge for releases as issued.

Books

Plumptre, A. T. W. Mobilizing Canada's Resources for War. Macmillan Company of Canada, Toronto, 1941. $3.00. A most interesting and informative account of Canada's war effort.

Singer, B. M. and Langford, R. J. S. Handbook of Canadian Military Law. Copp, Clark Co., Ltd., Toronto, 1941. $2.00.

Legal Periodical Articles

Brewin, F. A. Civil Liberties in Canada during Wartime. 1 Bill of Rights Rev. 112.

Elliott, C. F. The Dominion Succession Duty Act. 20 Can. B. Rev. 141.

Francis, James. The War Measures Act; a Summary of the Cases Reported. 19 Can. B. Rev. 453.

Harrison, W. H. The Work of the Board of Referees under the Excess Profits Tax Act 1940. 20 Can. B. Rev. 242.

Legislative Headnotes—see issues of Fortnightly Law Journal.

Mignault, P. B. The Dominion Succession Duty Act; its Effect on the Succession Law of Quebec. 19 Can. B. Rev. 719.

CHRONOLOGY OF THE PUBLICATIONS OF THE OPINIONS OF THE JUDGE ADVOCATE GENERAL OF THE ARMY

By Captain Lewis W. Morse *

History of The Judge Advocate General of the Army

The office of Judge Advocate of the Army may be deemed to have been created during the War of the Revolution when an appointment was made on July 29, 1775 (Journals of Cong.), soon after the enactment of the Articles of War on June 30 of the same year. In the reenactment of the articles, in 1776, this officer was styled the Judge Advocate General of the Army and was empowered to prosecute in the name of the United States or to conduct such prosecutions by deputy. The office of Judge Advocate ceased to exist at the disbandment of the Revolutionary Armies, but was revived by Section 2 of the act of March 3, 1797 (1 Stat. 507), which made provision for a judge advocate, to be taken from the commissioned officers of the line, who was to receive the same pay and allowances as the brigade major (adjutant) and inspector therein authorized. This office, with other offices in the General Staff, was discontinued by the act of March 16, 1802 (2 Stat. 132). Section 19 of the act of 1812 (2 Stat. 674), passed in contemplation of war with England, made provision for one judge advocate, with the rank of major, to each division, and this number was increased to three

* Director of Libraries, Judge Advocate General's Department, Munitions Building, Washington, D. C.

by Section 2 of the act of April 24, 1816 (3 Stat. 297). At the reduction of 1818 these officers were disbanded (act of April 14, 1818, 3 Stat. 426), and the office of Judge Advocate of the Army was discontinued by the act of March 2, 1821 (3 Stat. 615).

By section 4 of the act of March 3, 1849 (9 Stat. 351), the office of Judge Advocate of the Army was reestablished, with the rank and pay of major of cavalry. By Section 5 of the act of July 17, 1862 (12 Stat. 598), the office of Judge Advocate General was created, with the rank and pay of colonel of cavalry; by this enactment the duties of the office were defined. By Section 5 of the same statute provision was made for a corps of judge advocates, one of whom was to be assigned to duty at the headquarters of each army in the field. By Section 5 of the act of June 20, 1864 (13 Stat. 145), the Bureau of Military Justice was established, to which the Judge Advocate General was transferred, with the rank of brigadier general; and an Assistant Judge Advocate General, with the rank of colonel of cavalry, was authorized. By Section 12 of the act of July 28, 1866 (14 Stat. 334), the composition of the department was fixed at one Judge Advocate General (brigadier general), one Assistant Judge Advocate General (colonel), and ten judge advocates, who were to be selected by the Secretary of War from the corps of judge advocates authorized by the act of July 17, 1862. By this statute the office of Solicitor of the War Department was discontinued, the duties of the office being merged in the Bureau of Military Justice.

The Judge Advocate General of the Army is the chief law officer of the War Department, and the chief legal adviser of the Secretary of War, the War Department, and the Military Establishment. He supervises the system of military justice, and in his office the records of all trials by general courts-martial, courts of inquiry, and military commissions are reviewed. His duties include the furnishing of advice concerning the legal phases of the business, property, and financial operations which are under the jurisdiction of the Secretary of War, and the legal questions growing out of the administration, control, discipline, status, civil relations, and activities of personnel of the military establishment. The Judge Advocate General is the custodian of the records of all general courts-martial, courts of inquiry, and military commissions, and of all papers relating to the title to lands in the field under the control of the War Department. The control and coordination of all patent activities of the War Department and the Army are under his direction. The Judge Advocate General represents the War Department in all litigation involving the Department and maintains liaison with the Department of Justice in connection with such litigation.

Every record of trial by general court-martial comes to the Office of The Judge Advocate General for review. No sentence of court-martial involving death, dismissal or discharge not suspended, or confinement in a penitentiary, may be ordered executed before review by The Judge Advocate General and the Board of Review in his office. All other sentences of general courts-martial are subject to vacation or suspension upon recommendation of The Judge Advocate General. Questions involving almost

every conceivable phase of law come to his office: claims by and against the Government; contracts with the Government; bonds of Government officials, contractors, and sub-contractors; patents; copyrights; War Department land purchases; sales, leases, and grants; state and federal taxation; litigation involving the War Department; the organization of the War Department and the Army; the rights and obligations of military personnel.

Opinions and Digests of Opinions of The Judge Advocate General

1842–1889 Opinions in long hand are contained in 57 folio Record Books, "listed as R", in the General Records Section of the Judge Advocate General of the Army. An index to these opinions is contained in three bound volumes.

1865 Digest of Opinions with index.
VIII+136 pages Washington, G.P.O. 1865

1866 Digest of Opinions including those since the 1865 Digest, together with those contained in that edition with index.
XI+252 pages Washington, G.P.O. 1866

1868 Digest of Opinions furnished to the President, the Secretary of War, the Adjutant General, Heads of Bureaus of the War Department, Commanding Officers, Judge Advocates and Members of Military Courts, and other officers of the army, and soldiers, between September 1862 and July 1868. Edited by Major W. Winthrop. There is no index. 3rd Ed.
XVI+393 pages Washington, G.P.O. 1868

1880 Digest of Opinions with notes by BVT. Colonel W. Winthrop. This volume consists of a selection of digest of opinions from September 3, 1862 to December 1, 1875, and from then until 1880. An index is included.
XV+606 pages Washington, G.P.O. 1880

1882–1894 Opinions copied by letter press are contained in 75 bound volumes (listed P), in the General Records Section of The Office of The Judge Advocate General of the Army. There is no usable index for this period.

1895 Digest of Opinions with notes by Colonel W. Winthrop. This volume contains with some omissions and revisions, the abstracts of opinions published in the 1880 Digest, supplemented by selections from opinions rendered during the 14 succeeding years. An index is included.
868 pages Washington, G.P.O. 1895

1901 Digest of the opinions originally compiled by Colonel W. Winthrop and revised by Major Charles McClure. It includes the opinions to January 1, 1901. This volume revised the syllabi of the 1895 volume, omitting such as were not applicable to then existing conditions. An

index is included. This was War Department Document No. 137.
XVI+876 pages Washington, G.P.O. 1901

1894–1911 Opinions are on written or typed cards with serial numbers. There is a card index classified by subject matter. These cards are kept in the General Records Section of The Office of The Judge Advocate General of the Army.

1912 Digest of Opinions, prepared under the direction of Captain Charles R. Howland. This volume includes the Opinions from September 3, 1862, to January 31, 1912, inclusive. According to the preface, practically all Opinions of general interest are presented. "Those are omitted whose enunciated principles have been incorporated into the Regulations or into Statute law. No opinion is presented which is known or believed to have been disapproved by the Secretary of War." No index was contained in this bound volume because of the arrangement of the opinions by subject classification.
1103 pages Washington, G.P.O. 1912

The 1912 Digest volume was reprinted in 1917 on thinner paper.

A separate index, entitled the 1912 Index, was published in 1920. This was an effort to remedy the deficiency of no index in the 1912 Digest volume.
67 pages Washington, G.P.O. 1920

1911–1917 Carbon copies of opinions from 1911 to September, 1917, numbered and filed serially, and indexed in another card file, classified by subject, are contained in the General Records Section of the Office of the Judge Advocate General of the Army. Since September, 1917, carbon copies of opinions, classified and filed according to War Department Correspondence File, 1918, are contained in the General Records Section of the Office of The Judge Advocate General of the Army. The only index for the period from 1917–1921 is the War Department Correspondence File, last revised in 1918.

Since 1921 the opinions have been indexed on cards. References to opinions of the Comptroller General and Attorney General relating to the War Department are included in this card index.

1912–1917 Bulletin #12 of the War Department, dated August 8, 1912, stated that it contained a digest of opinions and decisions rendered by The Judge Advocate General, the Comptroller of the Treasury, the Attorney General, and the courts, and was published for the information of the service in general. This bulletin contained all important opinions rendered by The Judge Advocate General from January 31, 1912 (the inclusive date of the 1912 bound digest) to June 30, 1912. Some of the earlier opinions which were not contained in the 1912 Digest were included in this bulletin. Similar bulletins were pub-

lished subsequent to Bulletin #12 as supplements to it in order to keep it up to date.

In 1917 a bound volume was published entitled *Digest of Opinions of The Judge Advocate General of the Army and certain Decisions and Opinions, July 1, 1912 to April 1, 1917,* containing these bulletins which were published between August 8, 1912 and March 24, 1917. An index was included.

767 pages Washington, G.P.O. 1917

These bulletins had been published as follows:

August, 1912 (Period from January 31–June 30, 1912). Included a few additional opinions not previously digested in the 1912 Digest.

October, 1912 (Period from July 1–September 30, 1912).

January, 1913 (Period from October 1–December 31, 1912).

January, 1913 through December 1915. Monthly bulletins were published containing:

1. Digests of selected opinions of The Judge Advocate General.
2. Digests of decisions of the Comptroller of the Treasury.
3. Digest of selected court opinions relating to the Army and the War Department.
4. Notes on administration of military justice.
5. Notes on statutory developments of current application.

January–June, 1916 Bi-Monthly bulletins were published.

July, 1916–March, 1917 Monthly bulletins were published.

1917 From April 1 through December 31, 1917, monthly bulletins of the War Department were published with the exception of September, 1917. These bulletins #26, 34, 42, 49, 54, 67, 72, and 75, contain digests of court decisions on the Selective Draft Act, and occasionally incorporated decisions of the Director of the Bureau of War Risk Insurance in addition to the material referred to in these bulletins before.

These bulletins #26, 34, 42, 49, 54, 67, 72 and 75 of the War Department were consolidated with digests of certain other opinions and were published in bound form in 1920, entitled Vol. 1. Opinions of The Judge Advocate General, with an index. It was War Department Document No. 976.

157 pages Washington, G.P.O. 1920

1917 Full and complete opinions of The Judge Advocate General of the Army for the period April 1–December 31, 1917, with index included, were published in bound form and indicated as Vol. 1.

XI+320 pages Washington, G.P.O. 1919

1918 Monthly digests of opinions from January 1918 through December, 1918, were published in pamphlet form. An annual cumulative index covering these was published.

January,	1918 pamphlet,	35 pages
February,	" "	35 pages
March,	" "	48 pages

April through December, 1918 pamphlets, including annual cumulative index have continuous pagination of 1-485 pages.

1918 Selected opinions of The Judge Advocate General of the Army, for the period January 1–December 31, 1918, with index included, were published in bound form and indicated as Vol. 2.

XI+5—1182 pages Washington, G.P.O. 1919

1919 The 1919 Annual Report of The Judge Advocate General refers to the publication of weekly mimeographed bulletins with cumulative indexes for distribution to judge advocates in the field. No copies can be found.

1919 Monthly digests of opinions from January through December, 1919, were published in pamphlet form. An annual cumulative index covering these pamphlets was published with separate pagination.

480+Index (94) pages

1919 Monthly pamphlets of full and complete opinions plus a separate annual cumulative index were published during this year with continuous pagination plus a separate pagination for the index.

1094+Index (66) pages. This never appeared in bound form.

1920 Monthly digests, January–December, inclusive, pamphlet form, plus separate index.

182+Index (37) pages

1921 Semi-annual pamphlets of digests of opinions plus separate index.

January–June	65 pages
July–December	69 pages
Index	24 pages

1922 Annual pamphlet digest including an index which also contained a digest of selected opinions of the Board of Review, organized February 4, 1921.

156 pages

1923 Annual pamphlet digest including an index. 140 pages

1924 Annual pamphlet digest *without* an index. 98 pages

1912–1924 Consolidated index of published volumes of opinions and digest of opinions of The Judge Advocate General of the Army covering the period 1912–1924 inclusive.

II+352 pages Washington, G.P.O. 1926

1925 Annual pamphlet digest including index. 99 pages

1926 Annual pamphlet digest including index. 89 pages

1927 Annual pamphlet digest including index. 70 pages

1928 Annual pamphlet digest including index. 108 pages

1929 Annual pamphlet digest including index. 49 pages

1930 Annual pamphlet digest including index. 61 pages

1931 Annual digest was published and bound in the 1912–30 volume, with continuous pagination. The index for the volume included this annual digest, which is pages 1115–1145 inclusive of that volume.

1912–1930 Digest of Opinions of The Judge Advocate General, with the 1931 supplement included, and index for the entire volume. This volume contains digests of opinions previously published, 1912–1917, April 1–December 31, 1917 Digest and digests of the additional opinions through 1930. It eliminated many digests of opinions and added many selected digests of opinions in that period not published before. Certain other matters such as Opinions of the Attorney General, Decisions of the Comptroller General, and publications and decisions of the courts were also excluded.

1308 pages Washington, G.P.O. 1932

1930–1938 Inclusive. Cumulative annual pamphlet supplements with a cumulative index were published, bringing the last bound volumes up to date. They are:

1932 Supplement II (Supplement I was that for 1931 in the 1912-1930 bound volume). It contains digest of opinions for 1931 and 1932.

96 pages Washington, G.P.O. 1933

1933 Supplement III contains digest of opinions of 1931–1933.

128 pages Washington, G.P.O. 1934

1934 Supplement IV contains digest of opinions 1931–1934.

152 pages Washington, G.P.O. 1935

1935 Supplement V contains digest of opinions 1931–1935.

159 pages Washington, G.P.O. 1936

1936 Supplement VI contains digest of opinions 1931–1936.
168 pages Washington, G.P.O. 1937

1937 Supplement VII contains digest of opinions 1931–1937.
178 pages Washington, G.P.O. 1938

1938 Supplement VIII contains digest of opinions 1931–1938.
185 pages Washington, G.P.O. 1939

1912–1940 Digest of Opinions of The Judge Advocate General of the Army for the period 1912 through 1940. This bound volume includes the digests of opinions published in the 1912–1930 Digest volume, and supplements thereto, which are currently applicable, with certain additions, with a new arrangement to conform to the Military Laws of the U. S., 1939.
V+1148 pages Washington, G.P.O. 1942

1941 Supplement I to the 1912–1940 bound volume was published in pamphlet form in 1942, containing digests of opinions rendered in 1941 and also certain opinions previously rendered, but omitted from the original text.
51 pages Washington, G.P.O. 1942

1942 A bulletin in pamphlet form containing digests of opinions covering the first six months of 1942 has been published. Vol. 1, No. 1.
III+93+V–XXXIV pages Washington, G.P.O. 1942

Monthly bulletins supplementing this have appeared for July to November. They are numbered Vol. 1, Nos. 2 to 6. They include digests of opinions of The Judge Advocate General, the Attorney General, the Comptroller General, and the courts, notes on military justice and miscellaneous legal materials of use to judge advocates in the field. Opinions are selected for digesting in the Bulletin on a more liberal basis than that heretofore used in selections for annual supplements to the 1912–1940 Digest. Opinions of general interest are selected for digesting even though there is a previously published opinion or digest of opinion on the same subject. This is a continuing series.

CURRENT DEVELOPMENTS IN CONSTITUTIONAL AND ADMINISTRATIVE LAW*

By Whitney North Seymour
Of the New York Bar

Two years ago this lecture covered a term of the Supreme Court during most of which newly appointed justices constituted a majority. The present lecture covers the 1940 and 1941 terms, during the last of which the newer justices had increased to seven. In this process the nation has lost, at least temporarily, the services of one great Chief Justice, but has been fortunate in acquiring a great and experienced successor in our present Chief. We now have a cross section of the views of new members of the Court who will be a majority for some time.

There are two schools of thought as to the proper approach to a discussion of constitutional decisions. The most respectful one deals in terms of great principles and assumes that they are easy to delineate and apply. From time to time the Court itself has seemed to adhere to this school. But that approach lacks tangibility. An irreverent student at Columbia, commenting on that method as applied by a distinguished member of the bar who was giving a course on constitutional law, wrote on one of the machines in the washroom which emits hot air to dry the hands, "Press the pedal and hear . . . . on constitutional law." Fortunately, we do not have such machines in the Association building. As a hanger-on around law schools for many years, I have noted another approach which goes to the opposite extreme. That may be summarized as the "liver" approach, the essence of which is that constitutional decisions are to be explained by the physical condition and predilections of the judges. That approach certainly is in a lighter vein, but one must be more of a scholar and diagnostician than I am to apply it to the present Court. Furthermore, the average age of the present Court makes it hard to ascribe decisions to liver conditions. I am sure that Thomas Reed Powell would have no difficulty, and I had hoped that he would have written something on the last two terms from which I could crib. While he is undoubtedly winding up, I can't find that he has pitched the famous Powell curve as yet.

You will understand that my observations are made with the greatest respect for the Court, the individual justices, and the tremendous difficulty of their work. If there is even an apparent departure from this attitude, I have the sanction of Mr. Justice Frankfurter for that deviation. In his dissenting opinion in *Bridges* v. *California*, 314 U. S. 252, at page 284, he said:

> "Particularly should this freedom be employed in comment upon the work of courts, who are without many influences ordinarily making for humor and humility, twin antidotes to the corrosion of power."

It may be useful to start with some tentative conclusions on subjects with which the bar is particularly concerned. That will enable anyone to leave who wishes to without hearing the rest of the

* Lecture delivered October 6, 1942, before the Association of the Bar of the City of New York under the auspices of its Committee on Post-Admission Legal Education.

lecture, and it will give you some basis for appraising the individual decisions to which I shall refer. These subjects are:

1. How united is the Court?
2. What of *stare decisis?*
3. What of judicial legislation?
4. What are the main objects of judicial concern?
5. Has the war had any discernible impact on decisions?

1. Any concern that the Court might divide along traditional political lines has proved unfounded. The Court has frequently divided, but the division appears to bear little, if any, relationship to the period of tenure. There is an increasing number of close divisions in the Court. A count indicates 16 instances of five-to-four decisions at the 1941 term as compared with two in the two preceding terms, and five in the 1938 term. A total of 158 individual dissenting votes was cast, as contrasted with 110 at the 1940 term and 98 at the 1939 term. The line-up of the Court seems to follow no fixed pattern, though several of the justices are more regularly together than apart. Indeed, one of the most interesting features of the opinions is that it is difficult to predict how most of the members of the Court will vote on any particular question except in the light of their own prior votes, and they are not always conclusive. Some of the dissents seem to reflect profound differences of point of view, but others indicate only surface or stylistic disagreement. Until we are permitted to send an observer to the conferences, we can only conclude that the work of a Supreme Court justice these days is not lacking in intellectual excitement. The Chief Justice has assured us that the work of the Court is conducted with complete personal harmony. Where there is an increasingly large number of dissenting opinions, one naturally speculates on whether it is useful to have so many from the point of view of the Court. It is always consoling to defeated litigants to provoke a dissent, but constant divisions are confusing to the public. Certainly, where the issues are grave and the differences fundamental, no minority judge can be expected to suppress his views. But where the issues do not reach far beyond the particular case, one wonders about the utility of dissenting opinions. Perhaps this doubt is what prevented Mr. Justice Byrnes from writing any dissenting opinion while he was on the Court, or, perhaps, he was merely taking a rest from senate rhetoric. Of course, the fate of the minority views of Mr. Justice Holmes and Mr. Justice Brandeis might well encourage dissenting judges. One notes, running through the opinions of the last two years a deference to the words of those great judges which has made their views in dissent a source of inspiration for the present Court. But they obviously joined in many decisions with which they must have restrained their disagreement.

2. The bar is naturally much concerned with the weight which the Court gives to the doctrine of *stare decisis.* It is reasonable adherence to that doctrine in the highest Court which makes it possible to advise clients on major problems and to conduct litigation involving them. Mr. Justice Frankfurter has described that doctrine as one "rooted in the psychological need to satisfy reasonable ex-

pectations." About all one can say now is that a majority of the Court seems to be able to take *stare decisis* or leave it alone. In the last two terms, as before, the Court has explicitly or implicitly overruled a number of previous decisions, both ancient and modern. One gets rather the feeling that a majority of the Court is re-examining most questions afresh, not feeling itself bound to adhere to previous decisions which it regards as wrong, however long they may have been followed. Of course, *stare decisis* still plays a part in most of the run-of-mine cases. Mr. Justice Frankfurter has referred to examination of certain precedents as the need to consider "turning past error into law." [1] But when did past decisions become error, and when do they become law? So-called "past errors" were the considered judgment of the Court at the time. Were they any less "law" because not the product of the present Court? No one would expect the Court to follow blindly a previous decision which was a judicial sport or which had been left behind by the stream of interpretation. But some reasonable adherence to the doctrine of *stare decisis* is what must guide the community, the bar, and the lower courts in making judgments about a multitude of legal problems in modern life. If the doctrine fell into such desuetude that the wisest lawyer, unaided by cynicism, could not predict whether a previous decision would be followed, professional life would be more exciting; but its uncertainties would be destructive of many important values. Fortunately, we have not reached that point. It is perhaps natural for a largely reconstituted Court to look critically at some of the work of its predecessors. This is especially true where the areas of conflict are changing and past generalizations are applicable to wholly new conditions. But soon there will be a body of opinion on many subjects to which the members of the present Court are committed, and then, or before, we can hope that the judges will be more indulgent of our need for certainty. And when we return to the comfort of precedent, all of the judges may even have time to avoid participating in current judgments which they soon discover to be wrong. See the separate opinion of Justices Black, Douglas, and Murphy in *Jones* v. *Opelika*, decided at the end of the last term.

3. It has been fashionable for critics of decisions declaring statutes unconstitutional to challenge that action by saying that the judges were indulging in "judicial legislation." It was said that the judges were applying their own social, economic, or political notions to matters where the Constitution gave legislatures an exclusive corner on such notions. Undoubtedly, some past decisions gave substance to such criticism. In the early days of the present Court there was a rather studious avoidance of action which might give rise to similar criticism. The Court, for the last three terms, has consistently upheld all federal legislation which has been challenged. But the Court is less hesitant than it was about state legislation. The phrase "judicial legislation" may be deemed to have a broader aspect. The outstanding quality of legislation is that it changes existing law, and sometimes changes it very frequently. Perhaps a court is doing something very similar when it rejects a doctrine imbedded in a long line of previous

[1] Toucey v. New York Life Insurance Co., 314 U. S. 118 (1941).

decisions, or where it strains constructions of statutes to reach unexpected results. Then it too changes existing law, and it does so despite an explanation in justification which is analogous to a legislative finding. So, in a sense many things that a court does can be called "judicial legislation." Mr. Justice Holmes has pointed out that a court should recognize that it is often legislating but that it does so interstitially and not in a molar fashion.[2] Do the members of the present Court scrupulously avoid "judicial legislation"? Not always, according to their brethren, who may be accepted as expert witnesses. There is adequate testimony of that character to justify the conclusions that all of the present justices have, from time to time, participated in such legislation. See, among others, the dissent of Mr. Justice Roberts and Chief Justice Hughes in *United States* v. *Hutcheson*, 312 U. S. 219; the dissent of Justice Frankfurter, Chief Justice Stone, and Justices Roberts and Byrnes in *Bridges* v. *California*, 314 U. S. 252; the dissent of Chief Justice Stone and Justices Jackson, Reed, and Roberts in *Indianapolis* v. *Chase Bank*, 314 U. S. 63; the dissent of Mr. Justice Douglas, Mr. Justice Black, and Mr. Justice Murphy in *United States* v. *Classic*, 313 U. S. 299; the concurring opinion of Mr. Justice Jackson in *Duckworth* v. *Arkansas*, 314 U. S. 390; the dissenting opinion of Mr. Justice Jackson and Mr. Justice Roberts in *State Tax Commission* v. *Aldrich*, 316 U. S. 174. Perhaps, therefore, the charge of "judicial legislation" is merely an opprobrious way of stating disagreement and the real inquiry is whether the legislation is interstitial rather than molar or molecular, as Holmes says it should be. That can be answered only from the cases, and there is ample room for disagreement there. We know that there are all kinds of interstices and that some molars are troublesome and are better out. But is it merely interstitial if the interstices are created in a belief that molars are old fashioned and that it is time to try something else?

4. As is natural, the most important decisions in the last two years have required the Court to consider questions of accommodating the interests of the states and the nation and the conflicting claims of order and personal liberty. While in the former, national legislative power has been extended to new lengths, federal judicial power has become more restricted. In the latter, the Court has, on the whole, upheld the claims of personal liberty, although some clear and some questionable limitations have been laid down.

5. For the most part, one can only speculate on the impact of the war on the decisions of the Court. The outstanding case is, of course, the decision denying *habeas corpus* to the saboteurs, but in the absence of a formal opinion I shall not deal with that. Expressions running through most of the opinions in cases affecting personal liberty indicate a great awareness of the conflict between our democracy and totalitarian regimes and the sturdy determination of the Court to preserve basic liberties of the person. No decisions adverse to such liberties have been reached without sharp dissent.

It is high time to pass to the cases

[2] Southern Pacific Co. v. Jensen, 244 U. S. 205, 221 (1917).

which are catalogued roughly by constitutional subject matter:

Interstate Commerce

The Court has undoubtedly gone further than ever before in giving scope to the sweep of the commerce power. In *United States* v. *Darby*, 312 U. S. 100, the Court unanimously upheld the Fair Labor Standards Act establishing minimum wages. It recognized that the motive and purpose of the act were to make effective congressional conceptions of public policy that interstate commerce should not be made an instrument of competition for goods produced under substandard conditions, injurious to commerce and to the states, and considered the act sustainable as a restriction on the use of commerce to perpetuate unfair competition by substandard employers. The Court pointed out that Congress, under the commerce power, may choose the means reasonably adapted to the end, though they may involve control of intrastate activities. It said that the motive and purpose of regulations are matters of legislative judgment "upon the exercise of which the Constitution places no restriction and over which the courts are given no control." In answer to a contention that the Tenth Amendment stood in the way, the Court held that it did not deprive the Federal Government of "authority to resort to all means for the exercise of a granted power which are appropriate and plainly adapted to the permitted end."

In *Kirschbaum* v. *Walling*, 316 U. S. 517, it was necessary to consider the scope of the application of the same statute. The Administrator had sought to apply it to elevator operators, firemen, watchmen, porters and electricians in loft buildings, the majority of whose tenants were engaged in interstate commerce. The Court held, with only Mr. Justice Roberts dissenting, that such employees were within the statutory test of those who are engaged in commerce or the production of goods for commerce.

In *United States* v. *Wrightwood Dairy Co.*, 315 U. S. 110, the question was whether wholly intrastate commerce in milk was subject to regulation under the Agricultural Marketing Agreement Act, which authorizes the Secretary of Agriculture to issue marketing orders fixing minimum prices to be paid to producers of milk, etc. The statute provided that the order should regulate handling of products which "directly burdens, obstructs, or affects interstate commerce." The Court held unanimously that an order against one who sold milk only intrastate was valid because the commerce power includes the right to regulate intrastate activities which, by reason of their competition, affect interstate commerce so as to break down its regulation.

These decisions require us to modify many preconceptions of what is beyond the reach of federal power. Some commercial activity must be—but that is a problem on which we must await further light. We have some glimmers now, but it must be remembered that decisions upholding state power cannot be accepted as denying federal power when exercised.

In *Nelson* v. *Sears Roebuck & Co.*, 312 U. S. 359, and *Nelson* v. *Montgomery Ward*, 312 U. S. 373, the Court

held that an Iowa use tax might be validly imposed on mail orders sales where the orders were placed by Iowa residents with mail order houses outside of the state, since the mail order houses were authorized to do another type of business in the state and the tax might be regarded as part of the price for that permission. In both cases, Chief Justice Hughes and Justice Roberts dissented, citing a number of previous decisions as requiring a contrary holding. But the majority justified disregarding earlier decisions by saying (p. 366):

> "Prohibited discriminatory burdens on interstate commerce are not to be determined by abstractions. Particular facts of specific cases determine whether a given tax prohibitively discriminates against interstate commerce. Hence a review of prior adjudications based on widely disparate facts, howsoever embedded in general propositions, does not facilitate an answer to the present problem."

This seems to mean that under the Commerce Clause *stare decisis* is to be of little aid.

In *California* v. *Thompson,* 313 U. S. 109, the Court upheld a California statute requiring state licensing of all public motor transportation agents since Congress has not expressly legislated with respect to such activities, and the statute, applicable to all transportation agents, did not discriminate against interstate commerce.

On the other hand, in *Best & Co.* v. *Maxwell,* 311 U. S. 454, the Court struck down a North Carolina statute imposing a license fee of $250 on all merchants displaying samples who were not regular retail merchants, because under the Commerce Clause it discriminates against interstate commerce in favor of local competitors. The Court placed emphasis on the practical operation of the statute. More difficult was the Court's problem in *Cloverleaf Co.* v. *Patterson,* 315 U. S. 148. A federal statute permitted inspection of the components of renovated butter, but limited confiscatory action to the finished product. An Alabama statute authorized inspection and confiscation of packing stock butter which was used in making renovated butter. The state authorities, who had cooperated with the federal authorities in this field, seized packing stock butter on a number of occasions under the state law, and the company sued to enjoin. The majority of the Court, by Mr. Justice Reed, held that the Alabama statute was invalid because it conflicted with federal occupation of the field under the commerce power, that in such a collision the state must yield. Chief Justice Stone and Justices Frankfurter, Byrnes, and Murphy dissented because they considered that there was no evidence of an intent on the part of Congress to oust states from their appropriate sphere of regulation and pointed to the harmonious cooperation between state and federal authorities. In a separate opinion, Mr. Justice Frankfurter said (pp. 178-9):

> "If ever there was an intrusion by this Court into a field that belongs to Congress, and which it has seen fit not to enter, this is it. And what is worse, the decision is purely destructive legislation—the Court takes power away from the states but is, of course, unable to transfer it to the federal government."

In *Federal Trade Commission* v. *Bunte Bros.,* 312 U. S. 349, a majority of the Court held that the Trade Com-

mission Act does not permit the Commission to regulate purely intrastate action even though it has some effect on interstate activities of competitors. Justices Douglas, Black, and Reed dissented.

There are several interesting cases involving human transportation. In *Mitchell* v. *United States*, 313 U. S. 80, the Court unanimously reversed a decision of the Interstate Commerce Commission which had denied an order against discrimination to a Negro, Congressman Mitchell, who had been forced to leave a Pullman car and go to a Jim Crow car in deference to an Arkansas law requiring segregation. Despite deference to administrative judgment in other connections, the Court here held "* * * there is no room * * * for administrative or expert judgment with respect to practical difficulties in such a case." A somewhat different view was taken of an analogous problem where the Court's action would affect state rather than federal authorities. In *Railroad Commission of Texas* v. *Pullman Co.*, 312 U. S. 496, there was a suit to enjoin an order of the Texas Railroad Commission which, in effect, required white conductors on all trains carrying Pullman cars with colored porters. The Supreme Court reversed an injunction granted by a three-judge court on the ground that all efforts to obtain a ruling from the state courts on the propriety of the order under state law should first be exhausted before the Federal Court undertakes the delicate task of constitutional determination. Then, there is *Edwards* v. *California*, 314 U. S. 160, in which the Court held unanimously that a California statute penalizing those who brought indigent persons into the state was invalid. A majority of the Court placed its decision under the Commerce Clause as a restriction on interstate commerce. Justices Douglas, Black, Murphy, and Jackson concurred in the result, but on the broader ground that the right to go freely from state to state is a right of national citizenship, and so protected under the Fourteenth Amendment. The Court expressed no opinion as to the power of Congress in the same field.

Somewhat closely allied to questions of commerce is the decision as to the scope of federal power over navigable streams in *United States* v. *Appalachian Electrical Power Co.*, 311 U. S. 377. In that case the Court held, in the face of evidence and findings below that the stream was non-navigable in fact, that it was navigable because it could be made so by "reasonable improvements." It discarded prior use as the proper test of navigability and pointed out that, under the test which it now applied, it was not essential that improvements be completed or even authorized. The test applied by the lower court had been that laid down in *The Daniel Ball*, 10 Wall. 557, which is that a stream is navigable in law if it is in fact. The majority took care of previous decisions by saying (p. 404):

> "We draw from the prior decisions in this field and apply them, with due regard to the dynamic nature of the problem, to the particular circumstances presented by the New River."

Justices Roberts and McReynolds dissented, concluding that under the test laid down "every creek in every state of the Union * * * may be pronounced navigable * * *."

Relations between State and Federal Courts

Another aspect of the problems of Federalism was dealt with in cases involving the proper relationship of the federal and state courts, and this question caused sharp division. Two of these cases arose under the Federal Employers' Liability Act. In the first, *B. & O. Railroad Co.* v. *Kepner,* 314 U. S. 44, the question was whether an Ohio court could enjoin the prosecution by an Ohio resident in the Federal Court in New York of a suit under the Act, the venue provision being broad enough to authorize suit in New York. The majority of the Court, through Mr. Justice Reed, held that such an injunction could not be granted. Mr. Justice Frankfurter, with Chief Justice Stone and Justice Roberts, dissented, believing that the opinion deprived state courts of an historic jurisdiction to deal with litigations by their citizens. At page 62, the dissenting Justices said:

> "In an area demanding the utmost judicial circumspection, dislocating uncertainty is thereby introduced."

Following the *Kepner* case, the Court considered, in *Miles* v. *Illinois Central R. Co.,* 315 U. S. 698, whether a Tennessee court could restrain prosecution of a suit under the Act by a Tennessee resident in a Missouri state court in the light of the same venue provisions. The majority of the Court held that such an injunction could not be granted. Mr. Justice Jackson concurred in a refreshing opinion dealing with the realities of litigation, and concluded that Congress had provided that an injured workman, or his successors in interest, could shop around for the court, whether state or federal, believed most favorable to him.

> "There is nothing which requires a plaintiff to whom such a choice is given to exercise it in a self-denying or large-hearted manner." (p. 707)

Justice Frankfurter, Chief Justice Stone, and Justices Roberts and Byrnes dissented on the ground that the federal statute did not deprive state courts of their traditional equity jurisdiction to enjoin harassing suits.

In *Toucey* v. *New York Life Insurance Company,* 314 U. S. 118, the question was whether under Section 265 of the Judicial Code, providing that writs of injunction shall not be granted by federal courts to stay proceedings in any state court, a federal court could enjoin one of the parties from relitigating in state courts the same issues which had been previously decided by the federal court. A majority of the Court held that injunctions were prohibited except in cases where the injunction was to safeguard a *res* in the possession of the federal court, an exception which had been so long recognized as to have the force of law. The minority, consisting of Justices Reed, Roberts, and Chief Justice Stone, referring to a long line of cases upholding the right to enjoin relitigation, considered that it too had become engrafted on the statute and should not now be overturned. Mr. Justice Frankfurter, concurring with the majority, said (p. 140):

> "Whatever justification there may be for turning past error into law when reasonable expectations would thereby be defeated, no such justification can be urged on behalf of a procedural doctrine in the distribution of judicial power between federal and state courts."

In *Indianapolis* v. *Chase Bank*, 314 U. S. 63, three years after the Supreme Court had declined to review the jurisdictional question, the Court held that a suit should be dismissed for want of jurisdiction when it came up on the merits because a realignment of the parties showed absence of necessary diversity of citizenship. Justices Jackson, Reed, and Roberts and Chief Justice Stone dissented, taking the view that the case should be decided on its merits. The minority said (p. 84):

> "If, as the opinion intimates, the forefathers are thought to have been unwise in creating a federal jurisdiction based on diversity of citizenship, we should think the remedy of those so minded would be found in Congressional withdrawal of such jurisdiction, rather than in the confusing process of judicial construction."

Turning from those cases which concern rather traditional problems of Federalism, we shall look at the cases involving individual provisions of the Constitution other than the Fourteenth Amendment and those concerning civil or personal rights, most of which arise under that Amendment.

Miscellaneous Constitutional Provisions

In *Hines* v. *Davidowitz*, 312 U. S. 52, a majority of the Court held that the Federal Alien Registration Act of 1940 superseded and rendered ineffective a Pennsylvania statute for the registration of aliens resident in Pennsylvania since it involved an aspect of foreign relations in a field where the Federal Government is supreme. Here we find Justices Stone and McReynolds and Chief Justice Hughes dissenting because they saw no evidence that Congress regarded state laws as in conflict with its policy. The minority said, at page 75:

> "At a time when the exercise of the federal power is being rapidly expanded through Congressional action, it is difficult to overstate the importance of safeguarding against such diminution of state power by vague inferences * * *."

In *United States* v. *Classic*, 313 U. S. 299, the question was whether Section 19 of the Criminal Code was applicable to the conduct of state officers in tampering with the ballots at a state Democratic primary election at which Representatives-at-Large were to be nominated. The Court held the statute applicable and that Article I, Section 2, of the Constitution, providing in substance for the right of the people to choose their representatives, covered primaries subsequently devised as a part of the electoral machinery. The Court pointed out that the Constitution is not to be read narrowly but as an enduring framework of government providing for the indefinite future in all the vicissitudes of the changing affairs of men. Justices Douglas, Black, and Murphy dissented, considering the extension of Section 19 as mere judicial legislation and inconsistent with the clarity properly required of criminal statutes.

Goldman v. *United States*, 316 U. S. 129, involved an interesting question under the Fourth Amendment. Officers affixed to the outside wall of a lawyer's office a device known as a detectaphone, which enabled them to overhear his conversations. The majority of the Court held that the use of evidence so obtained did not violate the Fourth Amendment and declined to overrule *Olmstead* v. *United States*, 277 U. S. 438. Chief

Justice Stone and Justice Frankfurter indicated that they were ready to overrule that decision, with whose dissent they agreed. Mr. Justice Murphy dissented.

The Fair Labor Standards Act was upheld against challenge under the Fifth Amendment in *Opp Cotton Mills* v. *Administrator*, 312 U. S. 126. The Court held that Congress had not improperly delegated legislative power, that it can leave fact finding to others if it specifies "basic conclusions of fact upon ascertainment of which, from relevant data by a designated administrative agency, it ordains that its statutory command is to be effective." This the Court held the statute did.

Two cases throw further light on the doctrine of sovereign immunity, which has been the subject of so many decisions in recent years. In *Alabama* v. *King & Boozer*, 314 U. S. 1, it was unanimously held that a sales tax payable by a contractor who was using the material subject to the tax for an army camp under the control of the Government was not a tax on the United States, and, hence, subject to sovereign immunity, though the Government, under a cost-plus contract, had to make reimbursement for the tax. This is a further extension of previous decisions pointing to such a result, and the Court explicitly overruled *Panhandle Oil Co.* v. *Knox*, 277 U. S. 218, and *Graves* v. *Texas Co.*, 298 U. S. 393, in reaching its result. This conclusion may be contrasted with *Federal Land Bank* v. *Bismarck Co.*, 314 U. S. 95, where an explicit provision in the federal statute exempting property of federal land banks was held to deny a state the right to impose a sales tax on purchase of materials by the bank.

A conflict of views on the scope of the federal bankruptcy power was disclosed in *Reitz* v. *Mealey*, 314 U. S. 33, in which the majority of the Court refused to hold that Section 94(b) of the New York Vehicle and Traffic Law contravened the Bankruptcy Act. Four Justices, Douglas, Black, Byrnes, and Jackson, took a contrary view because they considered that the statute provided a device for bringing pressure after a discharge in bankruptcy which was inconsistent with the policy of the Federal Act.

Appeals to the Contract Clause had varying results. In *Gelfert* v. *National City Bank*, 313 U. S. 221, the Court unanimously held Section 1083(a) of our Practice Act valid as a means of preventing the mortgagee from getting more than his debt. The Court said (p. 233):

> "Mortgagees are constitutionally entitled to no more than payment in full."

With respect to broad language in earlier decisions foreshadowing a different result, the Court said (p. 235):

> "We cannot permit the broad language which those early decisions employed to force legislatures to be blind to the lessons which another century has taught."

In *Faitoute Iron & Steel Co.* v. *Asbury Park*, 316 U. S. 502, the Court unanimously upheld a New Jersey statute authorizing control over insolvent municipal corporations by a State Finance Commission which was authorized to formulate plans for adjustment of claims against municipalities. If such plans were found wise and just by the

Court and approved by 85% of the creditors, by the municipality and by the Commission, such plans were binding on all; and outstanding securities could be transmuted into others, without the holders' consent, which bore lower interest rates and had later maturity dates. The Court pointed out that unsecured municipal securities depended for value on the taxing power of the municipality, which could be taken away by the state. It pointed out that such securities were mere paper rights and that a state's power to deal with them did not offend the Contract Clause.

In *Wood* v. *Lovett,* 313 U. S. 362, a majority of the Court, however, struck down an Arkansas statute repealing an earlier statute which had assured the validity of tax titles on the ground that deeds under the earlier statute constituted contracts and that the state's action was invalid under the Contract Clause. Justices Black, Douglas, and Murphy dissented, because the Contract Clause does not forbid state action to protect the public welfare and this statute was of that character.

The Thirteenth Amendment was vindicated in *Taylor* v. *Georgia,* 315 U. S. 25, in which Mr. Justice Byrnes, for a unanimous Court, held that a Georgia statute, punishing one who obtains money for future services with an intent not to serve and creating a presumption of intent from failure to serve or repay, created a system of peonage which violated the Thirteenth Amendment.

Fourteenth Amendment

A number of interesting cases were decided under the Fourteenth Amendment. In *Olsen* v. *Nebraska,* 313 U. S. 236, the Court was able to agree that a Nebraska statute limiting the compensation of private employment agencies was valid under the Fourteenth Amendment. *Ribnik* v. *McBride,* 277 U. S. 350, was explicitly overruled, the Court saying (p. 246):

> "* * * the only constitutional prohibitions or restraints which respondents have suggested for the invalidation of this legislation are those notions of public policy embedded in earlier decisions of this Court but which, as Mr. Justice Holmes long admonished, should not be read into the Constitution."

The right of Wisconsin to tax dividends declared by a foreign corporation authorized to do business in that state, measured by the amount of earnings from property in the state, was upheld, although the state court had described the tax as a privilege tax on transactions outside of the state, by a divided Court in *Wisconsin* v. *J. C. Penney Co.,* 311 U. S. 435. Perhaps the case with the widest repercussion on state taxing policy under the Fourteenth Amendment was *State Tax Commission* v. *Aldrich,* 316 U. S. 174. There a majority of the Court held that Utah could impose death duties on the transfer of stock of a Utah corporation held by a New York resident, certificates being kept in New York and the transfer office being in New York. The Court's theory was that the power to tax arose from the benefits conferred on the corporation by the state which created it. In reaching this conclusion, the Court explicitly overruled *First National Bank* v. *Maine,* 284 U. S. 312, which, in turn, was out of line with earlier cases. Justices Jackson and Roberts, in an interesting dissenting opinion which points out that the ma-

jority merely is leaping from the frying pan into the fire and discarding one fiction in favor of another, exposed the policy making which they thought implicit in the Court's decision.

Another earlier tax case was overruled in *Graves* v. *Schmidlapp*, 315 U. S. 657, in which the Court held that a state might validly tax the exercise by a domiciled decedent of a general testamentary power of appointment of which he was donee under the will of a resident of another state though the intangibles were held by trustees under the donor's will out of the taxing state. The Court overruled *Wachovia Trust Co.* v. *Doughton*, 272 U. S. 567, saying, "It is plain that if appropriate emphasis be placed on the orderly administration of justice rather than blind adherence to conflicting precedents" the case must be overruled.

A holding by a state court that nondefendants in an earlier suit were bound by a decree as *res adjudicata* was held to violate the Due Process Clause in *Hansberry* v. *Lee*, 311 U. S. 32, since notice and an opportunity to be heard were lacking.

Personal and Civil Liberties

We now pass to the cases involving civil liberties and personal rights, a field in which the present Court has been most emphatic in its exercise of the corrective process. I think we all take pride in the Court's implementation of the great constitutional safeguards and applaud the general trend of decisions. Whenever a majority of the Court has departed from the trend, members of the Court have sharply pointed out the deviation. No member of the Court has been more consistent in upholding basic liberties than our great and beloved Chief Justice; none has been more outspoken when the Court temporarily departed from the main current.

A number of cases have cleared away obstructions to the crucial writ of *habeas corpus* and have thus facilitated the determination of questions which may be raised by that writ. In *Walker* v. *Johnston*, 312 U. S. 275, the Court expounded proper practice, including the right of the petitioner to a hearing of evidence by the Court on questions presented by the petition. The Court may not dismiss, if the petition states a case, without testing the truth of the allegations by hearing testimony. This requirement was again emphasized in *Holiday* v. *Johnston*, 313 U. S. 342, where it was held that the practice of referring *habeas corpus* applications from dangerous prisoners held at Alcatraz to commissioners to take testimony and report does not satisfy the mandate of the federal statute which requires a judge to pass on testimony. Prison regulations providing that all legal papers must be passed on in the first instance by prison authorities, which had delayed application to the Supreme Court for a writ, were held improper in *Ex parte Hull*, 312 U. S. 546. And the state courts were admonished to hear claims of violation of the Federal Constitution on *habeas corpus* in *Smith* v. *O'Grady*, 312 U. S. 329. In *Waley* v. *Johnston*, 316 U. S. 101, the right to have a charge that a plea of guilty had been obtained by threats from representatives of the F.B.I. heard and determined was upheld.

The mandate of the Fourteenth

Amendment to provide due process to all was re-emphasized in *Ward* v. *Texas,* 316 U. S. 547, where a confession, obtained after arrest without a warrant, during the course of a trip from county to county in which the prisoner was under constant questioning and subjected by officers to threats of mob violence, was emphatically held not admissible. Systematic exclusion of Negroes from grand juries was held to invalidate convictions in *Smith* v. *Texas,* 311 U. S. 128, and *Hill* v. *Texas,* 316 U. S. 400, and the state authorities were forcefully reminded that the right to due process does not depend upon the merits of the accused. In contrast with these cases, where there was no difference in the Court, are two cases in a similar field where there was. In *Lisenba* v. *California,* 314 U. S. 219, where the defendant had apparently used rattlesnakes to kill his wife, a majority of the Court, while examining the circumstances surrounding a confession to prevent "fundamental unfairness in use of evidence," concluded that there had been none in that case. The Court emphasized its duty to make an independent examination of the record in all such cases. Justices Black and Douglas dissented because, in their view, the confession was obtained by duress. In *Hysler* v. *Florida,* 315 U. S. 411, another murder case, a majority of the Court, after reviewing the facts, concluded that there was no denial of due process in the Florida Court's refusal of a writ *coram nobis* where the claim was that evidence against the prisoner had been obtained through promises and violence. Justices Black, Douglas, and Murphy dissented.

A group of picketing cases challenged the Court's ingenuity in making distinctions. In *A. F. of L.* v. *Swing,* 312 U. S. 321, the state court had enjoined peaceful picketing where there was no dispute between employer and employees but only one between the employer and a union. It was held that the Fourteenth Amendment stood in the way of such an injunction and that it prevents a state from excluding "workingmen from peacefully exercising the right of free communication by drawing the circle of economic competition between employers and workers so small as to contain only an employer and those directly employed by him." Chief Justice Hughes and Justice Roberts dissented.

In *Bakery Drivers Local* v. *Wohl,* 315 U. S. 769, it was unanimously held that a New York court could not, consistently with the Fourteenth Amendment, enjoin peaceful picketing by a union of the source of supply and customers of peddlers of bakery goods. Yet, in *Carpenters Union* v. *Ritter's Cafe,* 315 U. S. 722, where a union picketed a restaurant owned by one who had hired a contractor to build a structure on which the contractor used non-union labor, the Court held that the state could validly enjoin such picketing. The majority found no economic inter-dependence and considered that the sphere of free speech was confined to the area of the industry in which the dispute arose. Justices Black, Douglas, and Murphy dissented, viewing this result as contrary to the decision in the *Thornhill* case, which upheld broadly the right of peaceful picketing, and Justice Reed dissented because he could not reconcile the result with the decision in the *Wohl* and other cases.

The right of a state to restrain peaceful picketing which was so enmeshed with a past record of violence and threats as to be inextricable therefrom, was upheld by the majority in *Drivers Union* v. *Meadowmoor Co.*, 312 U. S. 287. The opinion pointed out that the right of free speech involved an appeal to reason rather than to force. But Justices Black, Douglas, and Reed dissented because they thought that the injunction banned peaceful presentation of the industrial controversy and that the violence alone should have been enjoined. It is thus apparent that there are restrictions on the right of peaceful picketing, but the line is not made entirely clear by these decisions.

Other limitations on alleged constitutional rights have been laid down without dissent. In *Cox* v. *New Hampshire*, 312 U. S. 569, it was unanimously held that a statute requiring licenses for street parades was a valid measure to insure the public's right to use the streets and, indeed, to safeguard the places where civil liberties could be exercised. And in *Chaplinsky* v. *New Hampshire*, 315 U. S. 568, a statute forbidding the use of "offensive, derisive or annoying words" in public places was held validly applied to one who called another a "damned Fascist" and a "God damned racketeer." Freedom of speech, the Court held, does not protect "fighting words" which incite to breach of the peace. They are no part of any exposition of ideas and of slight social value as steps to truth. In *Valentine* v. *Chrestensen*, 316 U. S. 52, an exhibitor of a submarine in New York had sought to distribute handbills advertising his exhibition and, when stopped by the police, had printed a protest against the action of the authorities on the reverse side. Thus he sought to immunize his advertising matter by including matter which was within constitutional protection. The Court held that this was a mere evasion and could not serve to provide the immunity sought.

Bridges v. *California*, 314 U. S. 252, is a landmark among recent civil liberty cases. A majority of the Court held that convictions of contempt against a newspaper and against Harry Bridges violated their constitutional rights of free speech and press. The utterances of both dealt with matters pending in court and which were the subject of future judicial decision. The majority rejected a test of "dangerous tendency" for the measurement of the boundaries of permissible communication as too vague and, going even further than the Court had gone before, treated the now classic "clear and present danger" test as only a statement of constitutional minima. Justices Frankfurter, Roberts, Byrnes, and Chief Justice Stone dissented, considering the action of the majority to be mere judicial legislation against the long-established power of the courts to protect themselves against interference with unprejudiced adjudication. The minority recognized the widest field for full freedom of criticism of judicial action but doubted the wisdom of opening pending decisions to public debate. It will be interesting to observe the consequences of this decision, for, if the fears of the minority are borne out, the difficulty of impartial adjudication will be increased. One wonders a little why the case was decided so broadly. It might have been quite enough to hold

that the particular utterances did not go too far.

Skinner v. *Oklahoma*, 316 U. S. 535, gives comforting evidence that the Court is as much concerned with liberty of the person as of the mind. There the Court considered an Oklahoma statute providing for sterilization of habitual criminals, who were defined as those who had been convicted more than twice for crimes involving moral turpitude. Certain crimes were excepted, including embezzlement. Under Oklahoma law, however, certain larcenies were very close to embezzlement. A majority of the Court thought the statute invalid under the Equal Protection Clause, and pointed out that there was no reason to suppose that eugenics follow "the neat legal distinctions which the law has marked between those two offenses." The Chief Justice and Justice Jackson concurred but on grounds of due process, being of the view that the statute did not adequately give individuals an opportunity to show that they were not proper cases for sterilization. Mr. Justice Jackson said:

> "There are limits to the extent to which a legislatively represented majority may conduct biological experiments at the expense of the dignity and personality and natural powers of a minority * * *."

The right to counsel in criminal cases was the subject of extended consideration in two decisions, which contrast the Sixth and Fourteenth Amendments. In *Glasser* v. *United States*, 315 U. S. 60, a majority of the Court held that, in a conspiracy case in the federal court, it was a denial of counsel in violation of the Sixth Amendment to assign counsel for one defendant to represent another, and concluded that, under the circumstances, there was no waiver of that right. Justice Frankfurter and Chief Justice Stone dissented because they felt that there had been a waiver and that the dual assignment worked no real prejudice. A different problem is presented by a claim that counsel should be assigned in the State Courts. In *Betts* v. *Brady*, 316 U. S. 455, a Maryland court had refused to appoint counsel for an indigent defendant in a robbery case. The majority, after examining the conduct of the trial and finding it not lacking in fundamental fairness, concluded that this denial did not violate the Due Process Clause. It pointed out that the Fourteenth Amendment cannot be regarded as incorporating the specific guarantees of the Sixth. While lack of counsel in some cases may result in a denial of due process, the majority did not feel that the Fourteenth Amendment imposed on all of the states a requirement that counsel be provided in all cases. The Court examined the constitutional and legislative provisions in the various states and pointed to the wide variations reflected. Justices Black, Douglas, and Murphy dissented, being of the view that the Sixth Amendment is to be regarded as incorporated in the Fourteenth. Further, the minority felt that a practice cannot be reconciled with common and fundamental ideas of fairness and right "which subjects innocent men to increased dangers of conviction merely because of their poverty" and "any other practice seems to me to defeat the promise of our democratic society to provide equal justice under the law." In view of the fact that the Court has increasingly recognized the extension of the Fourteenth Amendment to include

guarantees in the Bill of Rights, it is perhaps to be regretted that the Court did not take this opportunity to hold that the Fourteenth Amendment requires a general practice of assigning counsel in felony cases. Since we recognize that some judicial legislation is inevitable, many of us feel that this was a clearer case for it than some others which the Court has selected.

Finally, in this group of cases we must notice the decision in *Jones* v. *Opelika*, 316 U. S. 584. In that case a majority, through Mr. Justice Reed, held that municipalities could, without violating the Fourteenth Amendment, require the payment of license fees by members of Jehovah's Witnesses who, in the course of their itinerant ministries, distributed religious literature and asked contributions from those who could afford to pay. The majority laid aside the question whether the fees were in themselves prohibitive as not presented and concluded that, despite other recent decisions, municipalities were free to regulate such activities through a licensing system. In two ringing dissents, four members of the Court, the Chief Justice in one and Mr. Justice Murphy in another, protested against this upholding of a convenient device for the denial of fundamental rights to this religious minority and pointed to its dangerous implications. It is interesting to note that in a separate opinion Justices Black, Douglas, and Murphy explicitly recanted their adherence to the majority view in *Minersville School District* v. *Gobitis*, 310 U. S. 586, in which the present Chief Justice was the lone dissenter. Just as the *Minersville* decision seemed to me a deplorable departure, the *Jones* case represents an almost inexplicable deviation from the Court's recent championship of basic liberties. Nothing can be added to the dissenting opinions, which are worthy of the great traditions of Holmes and Brandeis.

Administrative Law

The opinions of the Supreme Court continue to display deference to administrative judgment where problems have been pretty clearly committed to that judgment, but there is ample evidence of determination to preserve limited judicial review and to prevent serious abuses. It is apparent that one of the things which causes division in the Court is a difference in point of view about the proper limits of administrative action.

Freedom of administrative action by state authorities under the Fourteenth Amendment was again emphasized in *R.R. Commission* v. *Rowan & Nichols Oil Co.*, 311 U. S. 570. An injunction granted below against a new oil proration order of the Commission was reversed. The Court pointed out that federal courts have no special competence for dealing with such intricate problems.

> "* * * It is clear that the Due Process Clause does not require the feel of the expert to be supplanted by an independent view of judges * * *." (p. 570)
>
> "* * * Sounder foundations are only to be achieved through the fruitful empiricism of a continuous administrative process." (p. 573)

In several cases the Court stated again the proper limits of review of findings of the National Labor Relations Board and emphasized the obligation of the courts not to upset findings if supported

by evidence or to substitute their own inferences for those which the Act leaves the Board to draw. Such a result was reached in *N.L.R.B.* v. *Link-Belt Co.*, 311 U. S. 584, after an elaborate review of the evidence. A less elaborate review was necessary in *I. A. of M.* v. *Labor Board*, 311 U. S. 72, where the Court applied the two-court findings rule to findings by the Board approved in the C.C.A. It would seem that we have now reached a point in the administration of the Act where it should no longer be necessary for the Supreme Court to be burdened with detailed review of evidence before the Board in order to correct intermediate error. Of course there will probably continue to be important questions as to the scope of the Act which may require consideration of the Court. Some of those were disposed of at the last two terms. In *H. J. Heinz Co.* v. *N.L.R.B.*, 311 U. S. 514, the Court held that the Board might properly conclude that refusal to sign a written collective bargaining agreement with a union was a refusal to bargain collectively and an unfair labor practice under the Act. Differences in the Court developed over other decisions by the Board. In *Pittsburgh Glass Co.* v. *N.L.R.B.*, 313 U. S. 146, a majority affirmed the right of the Board to decide, on the evidence which it had received, that the appropriate bargaining unit was not a single plant. Justices Stone, Roberts, and Chief Justice Hughes dissented, however, believing that the Board had excluded relevant evidence offered by the union which favored the single plant unit; and the dissenting opinion emphasized that the most important right of parties to administrative proceedings is to have the administrative body receive all evidence which might affect the exercise of discretion by that body. In *N.L.R.B.* v. *Express Publishing Co.*, 312 U. S. 426, the majority held that an order prohibiting all violations of the Act was too broad where the findings were merely as to failure to bargain collectively in good faith. Apparently this criticism of the scope of the order was raised *sua sponte* by the majority. Justices Douglas, Black and Reed dissented because in their view the appropriate remedy should be left to expert administrative judgment. In *Southern S.S. Co.* v. *Labor Board*, 316 U. S. 31, Mr. Justice Byrnes, speaking for a majority of the Court, directed the modification of an order of the Board by striking a requirement for reinstatement of seamen who had engaged in a strike on board a vessel in port and whose conduct constituted mutiny under federal statutes. The majority pointed out that the Board was under an obligation to accommodate the views of Congress expressed in the mutiny statute to its views as expressed in the Labor Board Act. Four Justices, Reed, Black, Douglas, and Murphy, dissented.

Perhaps the most far reaching of all of the decisions under the Act was *Phelps Dodge Corp.* v. *N.L.R.B.*, 313 U. S. 177. A majority of the Court held that under the Act the Board could require a company, which had refused to employ persons never before in the company's employ because of their union activity, to hire such persons and order back wages from the date of refusal less their earnings in other employment and any wilful loss. Justice Stone and Chief Justice Hughes dissented, being of the

view that the Act does not authorize the Board to compel instatement with back pay to those never employed by the company.

In other decisions a majority of the Court emphasized the view that there are limitations on administrative action and that the way to judicial review should be kept open. In *Cudahy Packing Co.* v. *Holland*, 315 U. S. 357, the majority held that under the Fair Labor Standards Act the Administrator may not delegate the power to issue subpoenas *duces tecum* even though the Act gives his subordinates the power of investigation. The importance of safeguards for the use of subpoenas without judicial supervision was adverted to. But Justices Douglas, Black, Byrnes, and Jackson dissented, concluding that the power to issue subpoenas by subordinates is implicit in the delegation to them of the power of investigation. And the minority asserted that it was enough for the Administrator to lay down general standards of subpoena procedure, that it would be unduly burdensome for him to have to consider and issue them himself, and that the requirement that he do so would leave him no time to discharge his other responsibilities under the Act. It was pointed out that in one year six thousand subpoenas had been issued. In *Scripps-Howard Radio* v. *Commission*, 316 U. S. 4, a majority of the Court upheld the right of a reviewing court to issue a stay to preserve the *status quo* pending appeal from an order of the Commission. Justices Douglas and Murphy dissented. And in *Columbia Broadcasting System* v. *United States*, 316 U. S. 407, a majority of the Court held that regulations with respect to chain broadcasting promulgated by the F.C.C. constituted an order reviewable under Section 402 of the Act. Justices Frankfurter and Douglas dissented, concluding that no review was permitted of administrative action short of an order, however it might affect business interests.

The rather consistent emphasis on freedom of administrative action from judicial interference in the opinions of Justices Black and Douglas, and the occasional adherence to the same view by some of the other Justices, may well be significant for the future. That view even went so far in *Maass* v. *Higgins*, 312 U. S. 443, that Justices Black and Douglas dissented from a majority opinion in a tax case on the ground that the question of construction of the taxing statute was peculiarly appropriate for administrative interpretation. That there are limits, however, is indicated in their dissenting opinion with Justice Murphy in *Gregg Cartage Co.* v. *United States*, 316 U. S. 74, where they objected to a presumption applied by an administrative body which they felt whittled away rights granted by Congress.

Turning now from the views of the Supreme Court on the administrative process, it is appropriate to look for developments in our own state. I have been unable to find any decision by the Court of Appeals in this field in the last two years which requires special mention because it plowed new ground. There is one development in our state which deserves special mention. Several months ago, Moreland Commissioner Robert M. Benjamin published his report on the Administrative Process in this state, based upon a three-year study which he and his counsel, Francis H. Horan, had

been making with their staff. The report, with fine objectivity, analyzes the basic notion of administrative justice, its relationship to the Courts, and makes some recommendation for change. I can add nothing to it and it is so well and tightly written that a summary would be almost impossible. I can make no better contribution to you than to suggest that you read the report.

BOOK REVIEWS

A Catalog for a Law Library of 15,000 Volumes. *By Miles O. Price. N. Y., School of Library Service, Columbia University, 1942. 305 pp. $15.00.*

The purpose of this catalog, as stated by its editor in the introduction, "is to provide a complete working model of a full dictionary catalog for a well-selected law library of 15,000 volumes, so that an observant law librarian, even though untrained as a cataloger, may by close attention to its numerous examples, catalog his own library in accordance with the same standards and techniques."

An examination shows that the catalog admirably accomplishes its purpose. The titles are drawn from the late Miss Helen S. Moylan's *Selected List of Books for the Small Law School Library*[1], and Raymond C. Lindquist's *Selection of Books for a Law Library of 15,000 Volumes*[2]. The latter is responsible for a bias toward New York titles, which seem to be selected to serve as examples for similar material of other states. The Lindquist list is not expressly designed for a law school library as is the one by Miss Moylan. The employment of this list as a source of titles broadens the scope of the catalog's usefulness as a model. In considering a catalog of this kind there is, of course, a basis for argument as to the advisability of the inclusion or exclusion of certain titles, but no doubt its editor would hasten to remind us that the primary purpose of the work is to serve as a *cataloging* model.

The subject headings are based on a list worked out under Mr. Price's direction for the Columbia University Law Library[3]. The headings are lawyer-like, and have proved adaptable to at least one small library.

To people using Library of Congress cards, the problem of adapting the author entry for the reports of the various state and federal courts to conform to law library usage must have given trouble. It is helpful to have set out here authority for their alteration and guides to a system of entries which is in use in a law library.

As stated in the preface, Library of Congress cards have been used wherever possible. This is practical: these cards are almost universally used; they are easy to obtain, and reasonable in cost. The reviewer cannot help wishing, however, that the editor had seen fit to break away from the scholarly but impractical form which is characteristic of so much of the Library of Congress law cataloging, and had given the small libraries authority for a simplified form. For the

[1] This list appeared in 32 L. Lib. J., 339-425 (Nov., 1939).

[2] The list was prepared by Mr. Lindquist in connection with the course in Law Library Administration in the School of Library Service of Columbia University in 1937. It has not been published.

[3] Columbia University Law Library. Subject Headings in American and English Law used in the Dictionary Catalog of the Columbia University Law Library. N. Y., School of Library Service, Columbia University, 1939 (mimeographed).

American Law Reports Annotated, for example, even in this catalog there are seven cards of information about the various indexes and supplements. Anyone working in a small library who has received the stacks of cards which come in from the Library of Congress for titles such as the one mentioned above, or one of the *Reporters* or *Citators,* cannot have failed to question the value of so much bibliographical information. Perhaps the making of some simplified form is a project for the future.

This catalog is a welcome aid in many ways. Some of them are: serving as an authority for subject headings and author entries, both governmental and individual; and furnishing the Library of Congress card numbers as an aid in ordering cards.

The catalog constitutes the second of three publications in the field of law cataloging to be produced by the members of the staff of Columbia University Law Library. The third is soon to appear[4]. When it does, this library will have given to the profession a set of cataloging aids second to none in any field.

STANLEY WEST.

Columbia University.

[4] Basset, Elsie. A Cataloging Manual for Law Libraries. N. Y., Wilson, 1942. This was published in December. Editor's note.

MATERIALS AND METHODS OF LEGAL RESEARCH. *By Frederick C. Hicks. Third Revised Edition. 1942. 673 pp. $4.50.**

The relation of the lawyer and law student to his professional literature is probably unique in that the books in his library serve not only the usual functions of elementary guides and commentaries, but comprise his source material and his research laboratory as well. Because of the complex structure of the common law and the statute law, further complicated by the incidents of the rule of *stare decisis,* the literature of the law is itself complex beyond that of any other profession, necessitating detailed guides to its acquisition and use. This is so much the case that most law schools offer courses in the use of law books.

The legal profession has been peculiarly fortunate in its bibliographers, who have put forth from very early times a variety of repositories of information concerning law books and their use. In the Anglo-American field, Professor Hicks' *Materials and Methods of Legal Research* occupies a position which is little less than that of a natural monopoly; Hicks is standard equipment in any working law library.

It is not strange that this should be true. Professor Hicks, the Dean of law librarians, and librarian of Yale Law School, is a lawyer of deep scholarship, with a broad and varied library experience dating back to 1898 and the Library of Congress. Furthermore, he is an articulate, practiced writer, to whom rigorous research and lucid expression seem second nature. With such a background it is only natural that his *Materials and Methods,* in 1922, set a new standard which, in this reviewer's opinion, for all-round scholarly excellence and completeness has not been equalled. One may feel, as the reviewer does, that this section of one book or that chapter of another excels Hicks in realistic approach or as a practical guide to a specific topic, but Hicks is the touchstone by which all are tested. With the possible exception

* Reprinted from THE LEGIST, News-Letter of the Law Library Association of Greater New York, Dec., 1942, by the courtesy of the editor, Mr. Raymond C. Lindquist.

of Chapter XVII, "Search Books, Illustrative Bibliographical Problems," *Materials and Methods* is not in general a mechanical manual to aid in the use of specialized law books. In spite of its title, methodology is by no means its strong point, and in this respect it is often excelled by other guides to law books and their use. Perhaps some other manuals are better suited for teaching students. But for a complete and scholarly treatment of the fundamentals of Anglo-American legal bibliography as a whole, Hicks still leads. Furthermore, even though the third edition has omitted the extensive bibliography of books and articles about law books, and the checklist of bar association proceedings, its bibliographical section is the first source to consult for information about most of the material covered. The librarian or law student who cannot find the answer to his bibliographical problem in Hicks has a difficult one indeed.

Though this reviewer sometimes finds Hicks rather difficult reading (for example, Chapters II and III of the first Part, on the Notions of Change in Law; and on Change, Certainty and Prediction) he is always grateful at the end for having had the benefit of the author's learning and thought, and invariably emerges the richer for the experience.

Materials and Methods in its first two editions is too familiar to the readers of this periodical to require extensive exposition here, and with the exception of the omission of the two bibliographical sections mentioned above and the inclusion of three new or enlarged chapters (on administrative agencies, loose-leaf and other services, and brief writing and oral argument) the third edition is the second edition brought to date. Even though this has resulted in little apparent change in text, except an occasional new paragraph or longer summary, those who have had constantly to rework their teaching material in this field since 1933 will realize the enormous task involved. The new bibliographical material is particularly valuable, and though one misses the old familiar names of Professor Hicks' collaborators in this section, the new ones have taken over ably.

Noteworthy is the new twenty-page chapter on administrative agencies, with its suggestion for a new digest devoted to the reports of decisions of these agencies, which are so inadequately cared for in existing digests. Supplementing this, Grace W. Bacon has included in Appendix III, American Law Reports (a new feature), reports of federal and state administrative tribunals. Attention should be called here also to Miss Bacon's revision (Appendix II) of Miss Forgeus' List of British Law Reports. The list has been rearranged and expanded somewhat, additions in the Indian and South African sections being particularly significant. The List of Anglo-American Legal Periodicals in Appendix IV, compiled by Pauline E. Gee, of the Yale Law Library, expands the Elsie Basset lists in the first two editions of the manual by incorporating the lists of births and deaths of legal periodicals as published annually in the LAW LIBRARY JOURNAL, and additional titles. This is an invaluable reference tool for the order librarian. Chapter XVII, "Search Books," contains lists and indexes of government documents. Chapter XVIII, "Using a Law Library," is largely re-

written and discusses at some length the theory of classification.

Of considerably less interest to the law librarian than some of the omitted material is the new Part II, Appeal Papers, Brief Writing and Oral Argument. Professor Hicks has included the full text of the report of the decision in Erie Railroad v. Tompkins (304 U. S. 64), as well as the brief of appellant on appeal. To these he refers in various places throughout the book and they are used as illustrative material in the chapters on brief writing. In this connection it is to be remembered that this manual is intended for student as well as library use.

It is suggested, as a final word of criticism, that some future author of a work of this kind superpose upon Professor Hicks' scholarly discussion of treatises and periodicals a comprehensive exposition of how these invaluable tools may be used in solving numerous reference problems in the law library. That has nowhere been adequately done.

It would be difficult to overestimate the impact of Professor Hicks and his *Materials and Methods* upon the law library profession, and through it, upon the practice of law. Always an enthusiastic and uncompromising protagonist, he practices what he preaches, and does his best to spread the gospel of good service through knowledge of law books and their use. His influence must be comparable to that of Dewey in general library work, and this latest edition maintains his high prestige. One can but regret that of late years Professor Hicks has been seen but little at law library gatherings, where his fearless and incisive discussions formerly did so much to enliven these meetings and make them worthwhile.

MILES O. PRICE.
Columbia University Law Library.

LETTER FROM THE PRESIDENT

TO THE MEMBERS OF THE ASSOCIATION:

As President, I wish to express the regret of the American Association of Law Libraries in accepting the resignation of Miss Helen Newman as Editor of the LAW LIBRARY JOURNAL, and to extend to her the thanks and appreciation of all its members for her excellent service. Miss Newman has edited the LAW LIBRARY JOURNAL for the past eight years. During that time, she has given unstintingly of her time and talent to make it a publication of which the Association may be proud. Under her careful guidance, it has developed from a small quarterly journal published in conjunction with the INDEX to LEGAL PERIODICALS to a bi-monthly periodical. I am sure that all of us recognize that much of the success which the Association may claim for the JOURNAL is due to her efforts.

The Executive Committee has appointed Miss Jean Ashman as the new Editor of the JOURNAL. Miss Ashman has taken over a difficult task at a difficult time, and I hope that she will receive the full cooperation of every member. The Association is very fortunate in her acceptance of the appointment. For all of us, I wish her the best of success as the new Editor.

Sincerely,

BERNITA J. LONG.
President, American Association of Law Libraries.

CURRENT COMMENTS

New Appointments

ARTHUR C. PULLING has resigned as librarian of the Law School of the University of Minnesota to accept a position as administrative head of the Harvard Law School Library. The Autumn 1942 issue of *The Docket* contains an interesting account of his work in building up the Law Library at Minnesota.

RICHARD L. THWING succeeded Mr. Pulling at Minnesota. A graduate of the University of Minnesota Law School, he was sales representative for the West Publishing Company.

STANLEY WEST has been assistant to the Director of Libraries at Columbia University since the middle of October. He left the librarianship of the Law School of the University of Pittsburgh to take this position.

RICHARD M. WELLING of the Law School of the University of Virginia may now be addressed as Captain. He is with the School of Military Government in Charlottesville. FRANCES FARMER is now an assistant in the Law Library of the University of Virginia. She was law librarian at the University of Richmond. MARGARET VAN CISE, formerly law librarian of the Lamar School of Law, Emory University, Georgia, is also an assistant in the Law Library of the University of Virginia.

ELIZABETH FINLEY, who was librarian for Root, Clark, Buckner & Ballentine of New York City, has resigned to accept a position as librarian and office manager for the firm of Covington, Burling, Rublee, Acheson & Shorb of Washington, D. C.

ERVIN POLLOCK is now with the Office of Price Administration in Washington. He was formerly librarian for the firm of Hays, Podell & Schulman of New York City.

Leaves of Absence

LILLIAN MCLAURIN, on leave of absence from the Law Library of Vanderbilt University, has left the TVA and enlisted in the WAVES. She is now in training at Northampton, Massachusetts.

PHILIP G. MARSHALL is on leave of absence as law librarian of the University of Wisconsin. He is with the National War Labor Board as one of their mediators. His work is now closely connected with the Conciliation Service of the Department of Labor.

Meeting of the Carolinas Chapter

DILLARD S. GARDNER, Secretary of the Carolinas Chapter, reports the meeting of the chapter on October 23, 1942 at the Supreme Court Library in Raleigh. Miss Carrie McLean, Chairman of the North Carolina Bar Association Committee on Law Libraries, discussed the services to lawyers which the chapter has rendered. They include the "model" law libraries and the lending of books to lawyers throughout the state. President Lucile Elliott and others spoke on the history and activities of the chapter and those in New York and the District of Columbia and pointed out

services which could be given such as bringing up to date the check lists of local documents and bar association reports.

MRS. HELEN M. LUMPKIN, Assistant in the University of North Carolina Law Library, Miss Mildred Doe, Law Librarian of the University of South Carolina, and Mr. Donald Gulley, Law Librarian at Wake Forest, have resigned their positions. Miss Doe is to marry.

Dr. Stiefel Addresses New York Law Librarians

THE LAW LIBRARY ASSOCIATION OF GREATER NEW YORK was addressed at the meeting on October 5th by Dr. Ernest C. Stiefel. Dr. Stiefel is a member of the British Bar and a French Licensee of Law. Since his arrival from France, where he was general counsel for several foreign concerns, he has been associated with the firm of Engelhard, Pitcher & Amann of New York as counsel on foreign law. He is also counsel on foreign law for Commerce Clearing House. He spoke on "Sources of Material on Foreign War Laws and Regulations Affecting American Interests," with emphasis on the laws of continental Europe. The December issue of *The Legist* contains a report of his talk.

Since October *The Legist* has appeared in printed rather than mimeographed form. The October issue includes an article by Mr. J. T. Rickard of the legal staff of Bigham, Englar, Jones & Houston, a leading firm of admiralty lawyers, entitled *The War's Effect upon the Validity of Outstanding Marine Insurance Policies.*

Bar Association Announces Publication

THE INTER-AMERICAN BAR ASSOCIATION has announced the forthcoming publication of two volumes containing the records of the organization of the Association on May 16, 1940, and the Proceedings of the First Conference of the Association held in Havana, March 24–28, 1941.

This publication will be of particular value to students of comparative law and to those who are working in the field of inter-American relations.

Since a limited edition is being published, it is desirable to place orders promptly with The Inter-American Bar Association, Southern Building, Washington, D. C. The price is $3.00 for Spanish or English text; both for $5.00.

Bar Association Index

IT IS A PLEASURE TO CALL ATTENTION to the fact that the Index to Bar Association Proceedings has been completed and may now be procured from Baker, Voorhis & Co., whose advertisement appears elsewhere in this issue. This valuable work satisfies a long-felt want and should have wide distribution in our libraries. The Association is indebted to all those whose painstaking work made it possible, particularly the editor, Mr. Dennis A. Dooley, State Librarian of Massachusetts.

CURRENT LEGAL PUBLICATIONS*

COMPILED BY LOUISE BETHEA
Duke University Law Library

Adkin, B. W. Handbook of the law relating to landlord and tenant. 11th ed. London, Estates Gazette, Ltd., 1942. $5.40.

Agarwala, M. L. Law of pre-emption in British India. 6th ed. India, Ram Narain Lal, 1942. $5.40.

Alleman, Gellert Spencer. Matrimonial law and the materials of Restoration comedy. Providence Road, Wallingford, Pa., The Author, 1942. 162p. $2.00.

Allen, P. H., and others. Executorship law and accounts. Melbourne, Law Book Co. of Australasia Pty., Ltd., 1942. $5.05.

American Bar Association. Methods of reaching and preparing appellate court decisions. Report of a committee to gather information concerning methods of reaching and preparing appellate court decisions. Chicago, The Assn., 1942. 63p. Free.

American Bar Association. Committee on the unauthorized practice of the law. Compendium on the unauthorized practice of the law. Chicago, The Assn., 1942. $1. (Orders filled by F. B. H. Spellman, Esq., Box 299, Alva, Oklahoma.)

American Bar Association. Section of judicial administration. The judge-jury relationship in the state courts, by George Rossman. Chicago, The Assn., 1942. 27p. Free.

American Bar Association. Section of judicial administration. Selecting federal court jurors, by Merrill E. Otis. Chicago, The Assn., 1942. 21p. Free.

American Bar Association. Special committee on improving the administration of justice. The judicial administration monographs, Series A (Collected). Chicago, The Assn., 1942. 120p. Free.

Backman, Jules, and Brodie, Henry. Canadian wartime control of industry. N. Y., N. Y. University School of Law, 1942. 62p. $1. (Series 4, No. 10, Contemporary Law Pamphlets.)

Bailey, Joseph Kenton. A manual on examination of Louisiana land titles. New Orleans, The Author, 2534 Marengo St., 1942. 424p. $10.

Barnes, Irston R. The economics of public utility regulation. New York, F. S. Crofts & Co., 1942. 952p. $5. (Order from The American City, 470 Fourth Avenue, New York, New York.)

Basset, Elsie. A cataloging manual for a law library. New York, H. W. Wilson Co., 1942. 350p. $5.

Basu, N. D. Law of evidence. 3d ed. Calcutta, Eastern Law House, 1942. $6.30.

Baum, Robert D. The Federal Power Commission and state utility regulation. Washington, American Council on Public Affairs, 1942. $3.75.

Bennett, Dale, and others. Project of a criminal code for the state of Louisiana. Baton Rouge, La., State Law Institute, 1942. 151p. Free. (A proposed draft with comments.)

Biddle, Francis. Mr. Justice Holmes. New York, Charles Scribner's Sons, 1942. 214p. $2.50. (A memoir.)

Blanshard, Paul and Lukas, Edwin J. Probation and psychiatric care for adolescent offenders. New York, Society for the Prevention of Crime, 18 East 48th St., 1942. 99p. $.15.

Bogert, George G. Handbook of the law of trusts. 2nd ed. St. Paul, West Publishing Co., 1942. 738p. $5. (University Casebook Series.)

Bowman, D. O. Public control of labor relations. N. Y., The Macmillan Co., 1942. $5. (A study of the National Labor Relations Board.)

Bradbury, Harry Bower. Lawyers' manual. 5th ed. by Edwin M. Bohm. New York, Baker, Voorhis & Co., 1942. 1602p. $20.

Brand, Norton F., and Ingram, Verner M. Pastor's legal adviser. Nashville, Abingdon-Cokesbury, 1942. 237p. $2.

Brandeis, Louis Dembitz. Brandeis on Zionism. Washington, Zionist Organization of America, 1720 16th Street, 1942. 164p. $1.50.

Bridewell, David. Credit unions. N. Y.,

* A new department of the Law Library Journal published, with the permission of William R. Roalfe, Law Librarian of Duke University, from data compiled by his staff members and listed in "Current Legal Publications," issued monthly in mimeographed form by the Duke University Law Library. The list printed above includes titles for the period August-January, 1943. Editor's note.

Matthew Bender, 1942. 750p. $5. (A handbook on legal credit union operation.)

Buse, Harold B., comp. Massachusetts practice manual. Revised through 1941-42 session of the legislature. Cambridge, Mass., Banker & Tradesman Pub. Co., 1942. $2.

Butts, G. M. The new county court procedure. 2d ed. London, The Solicitors' Law Stationery Society, 1942. 179p. 15s.

Calamandrei, Piero. A eulogy of judges. Translated by John Clarke Adams and C. Abbott Phillips, Jr. Princeton, N. J., Princeton University Press, Announced. 100p. (?) $2. ("A satiric discussion of the foibles of the legal profession by a jurist of Florence.")

California. Dept. of Institutions. Report of conference of committees of superior court judges, probation and parole officers, youth correction authority, and the state department of institutions on delinquency and criminality. Sacramento, The Dept., 1942. 76p. Free.

Chapman, H. E. Law relating to the marketing and sale of medicines. H. Burt, 1942. $2.25.

Charlesworth, J. Principles of mercantile law. 5th ed. London, Stevens & Sons, Ltd., 1942. 372p. $2.40.

Charter, administrative code, general ordinance and zoning law. Kansas City, Mo., Director of Finance, City Hall, 1942. 1116p. $6.

Chitaley, V. V., and Annaji Rao, K. N. The Indian limitation act. 2nd ed. All India Reporters, Ltd., 1941-42. 3v. $15.

Chitty, R. M. Willes. Ontario annual practice 1942. Toronto, Canadian Law List Pub. Co., 1942. 419p. $6.50.

Clark, George Luther. Brief survey of the law. Cincinnati, Johnson & Hardin Co., 528 Walnut St., 1942. 384p. $5.

Clarke, William Francis. The soul of the law. Boston, Bruce Humphries, Inc., 1942, 582p. $4. (Essays on the principles of jurisprudence.)

Clarkson, Paul S., and Warren, Clyde T. The law of property in Shakespeare and the Elizabethan drama. Baltimore, Johns Hopkins Press, 1942. 346p. $3.50.

Clevenger, Joseph R. Gilbert's criminal law & practice of the state of New York. 25th ed. Albany, N. Y., Matthew Bender, 1942. 2433p. $20.

Cook, Walter Wheeler. The logical and legal issues for the conflict of laws. Cambridge, Mass., Harvard University Press, 1942. 492p. $5. (Harvard studies in conflict of laws, No. 5.)

Council of State Governments. Securities regulation in the 48 states. Chicago, The Council, 1313 E. 60th St., 1942. 57p. $.50.

Cozzens, James Gould. The just and the unjust. N. Y., Harcourt, Brace & Co., 1942. $2.50. (Story of a community during a murder trial, with a considerable emphasis on law.)

De Hofmannsthal, Emilio, and Berger, Richard. International protection of axis victims and revindication of their property rights (the juridical position of citizens of occupied countries). New York, New York University School of Law, 1942. 42p. $1. (Contemporary Law Pamphlets, International Law Series 5, No. 5.)

Dempewolff, Richard. Famous old New England murders and some that are infamous. Brattleboro, Vt., Stephen Dave Press, 1942. 293p. $2.50.

Denman, D. R. Tenant-right valuation; in history and modern practice. Cambridge, W. Heffer & Sons, Ltd., 1942. 270p. $3.60.

Dillon, Conley Hall. International labor conventions: Their interpretation and revision. Chapel Hill, N. C., University of N. C. Press, 1942. 272p. $3.

Divanji, R. B. P. C. Bombay agricultural debtors relief act, 1939, as amended. Bombay, N. M. Tripathi & Co., 1942. $3.50.

Dohr, James L. Lecture notes on the law of accounting. New York, Kings Crown Press, Columbia University, 1942. 136p. $2.25.

Dominion of Canada Taxation Service. Toronto, Richard De Boo Limited, 1942. $35 to Dec. 31, 1942. Thereafter $10 for every six months.

Donaldson, Gordon and Macrae, C., ed. The Stair Society: St. Andrews Formulare, 1514-1546. Vol. 1. Edinburgh, J. Skinner & Co., Ltd., 1942. 400p. $6.25.

Duke University School of Law. Annual report of the librarian for the fiscal year ending June 30, 1942. Durham, N. C., The Librarian, Duke University School of Law, 1942. 8p. Free. (Mimeographed.)

Duncan, J. H. An introduction to finger-prints. London, Butterworth & Co., 1942. $1.10.

Dymond, Robert. Death duties. 9th ed. London, The Solicitors' Law Stationery Society, Ltd. 504p. $12.

East, W. Norwood. The adolescent criminal. A medico-sociological study of 4,000 male adolescents. London, J. & A. Churchill, Ltd. 1942. 45s.

Employee relations in the Public Service. Report by the committee on employee relations in the Public Service. Gordon R. Clapp, Chairman, 1313 East 60th St., Chicago, Civil Service Assembly of the U. S. of America and Canada, 1942. 266p. $3.

Epstein, Louis M. Marriage laws in the Bible and the Talmud. Cambridge, Mass., Harvard Univerity Press, 1942. 370p. $3.50. (Harvard Semitic ser., v. 12.)

Farjeon, Jefferson. The judge sums up. Indianapolis, Bobbs-Merrill Co., 1942. 294p. $2. (A novel.)

Fesler, James W. The independence of state regulatory agencies. Chicago, Public Administration Service, 1313 E. 60th Street, 1942. 72p. $1.50. (Pub. no. 85.)

Fisher, Irving, and Herbert W. Constructive income taxation. New York, Harper & Sons, 1942. $3. ("A proposal for reform".)

Florida. Revised statutes of Florida. Annotated ed. Atlanta, The Harrison Co. and St. Paul, West Publishing Co., 1943. 30v. $200. (Allowances made to purchasers of prior editions.)

Florida statutes revision 1941. Tallahassee, Statutory Revision Dept., 1942. 2v. $13.50. (Order from Sec. of State.)

Flory, William E. S. Prisoners of war; a study in the development of international law. Washington, American Council on Public Affairs, 1942. 179p. $3.25. (Studies in Foreign Affairs.)

Frank, Jerome. If men were angels. New York, Harper & Bros., 1942. 380p. $3.75. (Concerned with the controversy over administrative law and the courts.)

Gardner, Dillard S., ed. Condensed catalog of the Supreme Court library of the state of North Carolina. Raleigh, Editor, Supreme Court Library, 1942. 47p. Free.

Glaister, John. Medical jurisprudence and toxicology. 7th ed. Edinburgh, E. & S. Livingstone, Publishers, 1942. 671p. 28s.

Goldstein, Irving and Shabat, Dr. L. Willard. Medical trial technique. Chicago, Callaghan & Co., 1942. 846p. $12.

Hall, Sir W. C., and others. Law relating to children and young persons. 2d ed. London, Butterworth & Co., Ltd., 1942. $7.20.

Hanna, Warren L. Industrial Accident Commission practice and procedure. Workmen's Compensation Reporter, 1942. 650p. $10. (Concerned with practice in California. Distributor: Leo Colman, 785 Mills Bldg., San Francisco.)

Hare, Cecil, Tragedy at law. London, Faber, & Faber, Ltd., 1942. 290p. 7s, 6d. (A story.)

Harris, Mary B. I knew them in prison. Rev. ed. New York, Viking Press, 1942. 407p. $3.

Harvard Law Review. Cumulative index for volumes 51-55. Cambridge, Mass., Harvard Law Review Assn., 1942. $3.50.

Hazlitt, Henry. A new constitution now, New York, Whittlesey House, Announced. 300p. $2.50.

Heimann, Henry H., and others, eds. Credit manual of commercial laws, 1943. War ed. New York, National Association of Credit Men, 1 Park Ave., 1942. 846p. $6.50.

Helping the lawyer serve his clients. A nation-wide organization to help lawyers. New York, Prentice-Hall, Inc., 1942. 60p. Free.

Henry, J. Detective-inspector Henry's famous cases. London, Hutchinson & Co., 1942. $3.75.

Hicks, Frederick C. Materials and methods of legal research. 3d ed. New York, Lawyers Co-op. Publishing Co., 1942. $4.50.

Hirschl, Samuel Dillon. Business law. 6th ed. Chicago, LaSalle Extension University, 1942. 548p. $3.50.

Hogg, Dean. Equity procedure with forms. Revision by Lewis H. Miller. Cincinnati, The W. H. Anderson Co., 1942. 2v. $25.

Holmes, J. D. The law of money-lending in New South Wales, South Australia and Victoria, together with tables computed in accordance with the provisions of the act. Australia, Law Book Co., 1942. 203p. 21/-.

Holmes, J. D., ed. War legislation affecting property, by John Baalman; War damage to property, by R. Else Mitchell and John Baalman. Australia, The Law Book Co., of Australasia Pty. Ltd., 1942. 302p. 27/6.

Inbau, Fred E. Lie detection and criminal interrogation. Baltimore, The Williams & Wilkins Co., 1942. $3.

Ingram, William A., and Parham, Herschel, Georgia legal forms annotated. Atlanta, The Harrison Co., 1942. 3v. $30.

Inter-American Bar Association. Organization and proceedings of the Havana conference, held at Havana, Cuba, March 24-

28, 1941. Washington, The Association, 337 Southern Building, 1942. (Published in English and Spanish. Each $3., both $5.)

Iyengar, A. C. S. The Indian income-tax act, 1922. Revised and enlarged. Madras Law Journal Office, 1942. $6.25.

Jacobs, Milton C. Liability coverage, New York, Eastshire Pub. Co., 347 Madison Ave., 1942. 83p. $2.50.

Keith, A. Berriedale. The constitution under strain. London, Stevens & Sons, Ltd., 1942. 72p. 2s, 6d.

Kentucky. Proceedings of the convention establishing provisional government of Kentucky. Augusta, Ga., Steam Press of Chronicle & Sentinal, 1863. $25. (Photographic facsimile 1943.) (Secure from Mr. Lester Hargrett, 1616 Sixteenth St., N.W., Washington, D. C.)

Kentucky revised statutes. Permanent edition. Frankfort, Ken., Statute Revision Committee, Oct. 1942. 2v. $20. (Official edition.) (Each vol. may be bought separately: Statutes Volume—$15; Annotations and History Volume—$5.)

Kentucky revised statutes of 1942. Cleveland, Ohio, Banks-Baldwin Co., 1942. 2640p. $20. (An unofficial edition.)

King, Willard L., and Pillinger, Douglass. A study of the law of opinion evidence in Illinois. Chicago, Callaghan & Co., 1942. 389p. $6.

Ladd, Mason. Modern code of evidence. Chicago, American Bar Assn., 1942. 23p. Free.

Lapp, Dr. John A. Labor arbitration—Principles and procedure. Deep River, Conn., National Foremen's Institute, Inc., 1942. 231p. $3.50.

Lavine, Abraham Lincoln and Mandel, Morris. Business law for everyday use. Rev. ed. Philadelphia, John C. Winston Co., 1942. 623p. $1.72.

Lerner, Max. The mind and faith of Justice Holmes. Boston, Little, Brown & Co., 1942. $3.50. ("Justice Holmes is revealed to the reader through his letters and his legal opinions.")

Letts, Malcolm. The old house. A generation of lawyers. London, Frederick Muller, Ltd., 1942. 5s.

Liberty and learning: the activities of the American Civil Liberties Union in behalf of freedom of education. Washington, American Council on Public Affairs, 1942. 147p. $2.50.

Lordo, Vincent Lo, and Brown, Victoria. Legal protection for the serviceman and his family. New York, Julian Messner, Inc., 1943. $1.

Lott, Jack Neal, Jr. and Gray, Robert Hanes, Law in medical and dental practice. Chicago, The Foundation Press, 1942. 525p. $4.75.

Louisiana State Law Institute. Compiled edition of the civil codes of Louisiana. Baton Rouge, Louisiana, State of Louisiana, 1942. 1190p. $6. (Louisiana Legal Archives, vol. 3, part 2. Part 1 published in 1940. Order from Louisiana State Law Institute, University, Louisiana.)

Louisiana statutes related to the civil code. Baton Rouge, Louisiana State Law Institute, 1942. 739p. $3. (Order from Secretary of State.)

Luxford, J. H. Liquor laws emergency legislation. Being the licensing act emergency regulations, 1942. Melbourne, Butterworth & Co., Ltd., 1942. $2.40.

McGuire, Col. O. R. Americans on guard. Washington, The American Good Government Society, 60 Hamilton Street, N.W., 1942. 400p. $5. (Collection of 21 addresses on problems of government today.)

M'Neil, A. Law of bills of exchange. 5th rev. ed. Edinburgh, W. Green & Sons, 1942. $2.40.

Massachusetts Appellate Decisions. Boston, National Law Publishers, 1942. $3 per v. (A serial.)

Mazengarb, O. C. The law relating to negligence on the highway. Wellington, Butterworth & Co., Ltd., 1942. 468p. $9.60.

Megrah, M. H. The bills of exchange act, 1882. 3d ed. London, Sir Isaac Pitman & Sons, Ltd. 1942. $1.80.

Mertens, Jacob, Jr. The law of federal income taxation. Chicago, Callaghan & Co., 1942-43. 12v. $120. (Successor to the work of Paul and Mertens published in 1934.)

Montgomery, Robert H. Federal taxes on estates, trusts and gifts, 1942-1943. New York, The Ronald Press, 1942. $7.50.

Montgomery, R. M. War damage (amendment) act, 1942. London, Eyre & Spottiswoode, Ltd., 1942. 52p. 5s.

Morgan, Edmund M., and Maguire, John M. Cases and materials on evidence. 2nd ed. Chicago, The Foundation Press, Inc., 1942. 1165p. $7. (University Casebook Series.)

Morrison, A. C. L. Clarke Hall and Morrison's law relating to children and young

persons. 2d ed. London, Butterworth & Co., Ltd., 1942. 360p. 30s.

Moss, O. F. Moss' law book for everybody; being a little handbook of such law as everybody should know, and written in plain language that the average person can understand. Lucedale, Miss., The Author, 1942. 109p. $2.

Mottla, Gabriel Victor. Massachusetts practice in ordinary civil cases, including law, equity and probate. 74 India St., Boston, Eugene W. Hildreth, Inc., 1942. 488p. $12.50.

Name-by-name voting records of members of the Congress on all war, defense and labor legislation from Jan. 1, 1937 to Dec. 11, 1941. Washington, Congressional Intelligence, 10 Independence Ave., 1942. 56p. $5.

Nath, B. Law of insurance applicable to British India. Lahore, India, University Book Agency, 1942. $2.25.

Nathan, Manfred. Hire-purchase. Johannesburg, South Africa, Hortors Ltd., 1942. 12s. 6d.

National Institute of Municipal Law Officers. One year's experience of American cities at war; a report by the Committee on wartime legal problems of cities. Washington, The Institute, 730 Jackson Place, 1942. 104p. $3.

Nevada compiled laws. 1931-1941 supplement. San Francisco, Bender-Moss Co., 1942. 2v. $30.

New Mexico statutes annotated. Fully annotated down to June 1, 1942. Indianapolis, Bobbs-Merrill Co., 1942. 6v. $60. (Pocket parts for supplements issued each biennium.)

New York. Bender's penal law and the code of criminal procedure of the state of New York, 34th ed., edited by Joseph R. Clevenger, Albany, N. Y., Matthew Bender & Co., 1942. 1420p. $12.

New York (City) Charter and administrative code, 1942. Albany, New York, Williams Press, Inc., 1942. 2600p. Pre-pub. $15. (Pocket part supplementation.)

Orlow, Abram. Acquisition and loss of American citizenship: Federal judicial decisions. New York, National Council on Naturalization and Citizenship, 29 Washington Square West, 1942. $0.15.

Orlow, Abram. Manual on acquisition of citizenship in the U. S. 4th ed. Privately published, 1942. 40p. $1.

Peterson, Orville C. Governmental responsibility for torts in Minnesota. 15 University Library, Minneapolis, League of Minnesota Municipalities, 1942. 216p. $2.25.

Pierson, Frank C. Collective bargaining systems. Washington, American Council on Public Affairs, 1942. 227p. $2.50.

Pollard, James E., ed. Index of the public notice laws of the 48 states. Columbus, Ohio, Ohio State University, 1942. 2v. $10.

Pollock, Sir Frederick. Principles of contract. 11th ed. by P. H. Winfield. London, Stevens & Sons, Ltd., 1942. 603p. 32s. 6d.

Portland, Oregon. Ordinances, etc. City codes. Eugene, Oregon, University of Oregon Bureau of Municipal Research and Service, 1942. 21v. $28.

Potthoff, Edward F. Examinations in contract law courses. Urbana, Ill., University of Illinois, 1942. 100p. Free. (Univ. of Illinois, Studies in Higher Education, No. 2.)

Price, Miles O., comp. A catalog for a law library of 15,000 volumes. New York, Columbia University, School of Library Science, 1942. 305p. $15.

Ranking, D. F. deL'h., and others. Rights and duties of liquidators, trustees, and receivers. 20th ed. London, Sir Isaac Pitman & Sons, Ltd., 1942. $3.60.

Ratner, Sidney. American taxation. N. Y., W. W. Norton & Co., 1942. 561p. $4.50.

Research in judicial administration. An outline of suggested topics. 726 Jackson Place, Washington, Committee on Public Administration, 1942. 89p. $.75.

Revenue act of 1942 with explanation and federal tax charts. New York, Haskins & Sells, 67 Broadway, 1942. 175p. $1.

Rhyne, Charles S. Attorneys for municipalities, municipal agencies, officers and employees—their employment, duties, powers, official status and compensation as defined by court decisions. Washington, National Institute of Municipal Law Officers, 1942. 33p. $2.

Riesenfeld, Stefan A. Protection of coastal fisheries under international law. New York, Columbia University Press, 1942. 296p. $2.

Rogers, Jesse La Fayette. Magistrates' manual and legal adviser. 7th ed. Nashville, Tenn., Marshall & Bruce Co., 401-407 Twelfth Avenue, S., 1942. $7.50.

Rosenberg, Robert R. American business law. New York, Gregg, 1942. 640p. $1.80.

Schaffter, Dorothy. State housing agencies. N. Y., Columbia University Press, 1942.

808p. $5.50. (Bibliography pp. 691-808 includes constitutional amendments, bills, statutes, appropriations, reports, decisions.)

Shanas, Ethel. Recreation and delinquency. A study of five selected Chicago communities. Chicago, Chicago Recreation Commission, 160 N. LaSalle St., 1942. 284p. Price ?

Shaw, Clifford R., and McKay, Henry D. Juvenile delinquency and urban areas; a study of rates of delinquents in relation to differential characteristics of local communities in American cities. Chicago, University of Chicago Press, 1942. 451p. $4.50.

Simpson, Laurence P. Cases on suretyship. St. Paul, West Pub. Co., 1942. 531p. $5.50.

Skar, Robert O., and Palmer, Benjamin W. Business law: with social and personal applications. New York, McGraw-Hill Book Co., 1942. 491p. $2.50. (A textbook.)

Skinner, C. William, ed. Landlord and tenant (war damage) cases. London, The Estates Gazette, Ltd., 1942. 72p. 7s. 6d.

Smith, J. B. R., ed. New York laws affecting business corporations, annotated. 23d ed. N. Y., United States Corporation Co., 1942. 579p. $2.

Sophian, T. J., Jr. The war damage (amendment) act, 1942. London, Jordan & Sons, Ltd., 1942. 72p. 5s.

Stevenson, C. R. Supreme Court procedure. Little Rock, Ark., The Author, P. O. Box 81, 1942. 85p. $4.25.

Stranders, M. O. Questions and answers on contracts. 2d ed. London, Sweet & Maxwell, Ltd., 1942. 189p. $1.45.

Sunley, Emil McKee. The Kentucky poor law, 1792-1936. Chicago, The University of Chicago Press, 1942. $1.50. (A monograph on the historical background of the poor laws in Kentucky.)

Swan, Judge Joseph R. Treatise with forms and outlines: Fundamentals of Ohio jurisprudence. 29th ed. rev. by Frank C. Leyshon, 1942. $10.

Teevan, John C. C. P. A. law questions and answers, 1935-41. N. Y., Ronald Press Co., 1942. $4. (Questions of the Board of Examiners, American Institute of Accountants.)

Three great documents of human liberties. Chicago, Normandie House, 1942. 65p. $2. (Reprints of the Magna Charta, Declaration of Independence, and U. S. Constitution.)

Thurston, Henry Winfred. Concerning juvenile delinquency; progressive changes in our perspectives. New York, Columbia University Press, 1942. 246p. $2.75.

Tillotson, Lee S. The articles of war annotated. Harrisburg, Pa., The Military Service Pub. Co., 1942. 266p. $2.50.

Topham, Hon. Judge. Palmer's company law. 17th ed. London, Stevens & Sons, Ltd., 1942. 720p. 30s.

Topical index to national constitutions. Philadelphia, The American Academy of Political and Social Science, 1942. $1. (Pamphlet No. 12 of the James-Patten-Rowe pamphlet series.)

U. S. Supreme Court business law decisions, 1941-1942. Chicago, Commerce Clearing House, 1942. 273p. $1.

The Utah code annotated, 1943. Chicago, Callaghan & Co., 1943. 6v. $60.

Virginia and West Virginia Digest. 1729 to date. St. Paul, West Pub. Co., Announced. 20v. $200. (Pamphlet digests and cumulative pocket parts are $10. per year.)

Walford, E. O. Practical hints on draft leases. 3d ed. London, Butterworth & Co., Ltd., 1942. 205p. $3.60.

Warren, Edward H. Spartan education, Cambridge, Mass., The Riverside Press, 1942. $2. (An autobiography.)

Warren, George. Traffic courts. Boston, Little, Brown & Co., 1942. $4. (Published for the National Conference of Judicial Councils, Fourth book of the Judicial Administration Series.)

Watson, John A. F. The child and the magistrate. London, Jonathan Cape, Ltd., 1942. 207p. 10s. 6d.

Weinberg, Roy D. Attorney-jr. legal assistant. New York, Arco Pub. Co., 1942. 120p. $1.50. (Arco Civil Service series.)

Weinryb, Bernard Dov. Jewish emancipation under attack. Its legal recession until the present war. New York, The American Jewish Committee, 1942. 95p. $.25.

Welling, Richard. As the twig is bent. New York, Putnam's Sons, 1942. 309p. $3. (Autobiography of a New York city lawyer and leader of the National Self Government Committee which he founded.)

Wheare, K. C. The statute of Westminister and Dominion status. 2d ed. London, Oxford University Press, 1942. 344p. $2.40.

Who writes what? Cincinnati, National Underwriter Co., 420 E. 4th St., 1942. 128p. $2.50. (A compilation of the various types

of contracts issued by life insurance companies.)

Wight, Mark H., and Klingberg, Judson T. Workmen's Compensation for the state of Washington. Portland, Oregon, Stevens-Ness Law Pub. Co., 1942. 600p. Pre-publication, $8., later, $10.

Wilshere, A. M. Leading cases on criminal law. 4th ed. London, Sweet & Maxwell, Ltd., 1942. 472 p. 25s.

Wilshere, A. M. Outline of law of landlord and tenant. 2d ed. London, Sweet and Maxwell, 1942. 6s./6d.

Wilson, O. W. Police records; their installation and use. Chicago, Public Administration Service, 1942. 336p. $6.

Woods, M. C. T. War damage legislation in Australia. London, Butterworth & Co., Ltd., 1942. $3.

Worley, John S. An introductory outline to public utility regulation. Ypsilanti, Michigan, University Lithoprinters, 1942. 117p. Price ? (For sale by Ulrich's Bookstore, Ann Arbor, Michigan.)

Wormser, Rene. Personal estate planning in a changing world. New York, Simon & Schuster, 1942. 311p. $2.50.

LOAN SERVICE

Michigan Supreme Court records and briefs may now be borrowed by libraries outside the state for a 15-day period with the provision that the volumes be used in the reading rooms of the borrowing library. Copies are available for all cases beginning with 1907. They will be shipped express collect and are to be returned express prepaid.

C. C. MORELAND, *Librarian*
Michigan State Law Library
Lansing, Michigan

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Out of print Wisconsin Session Laws, 1941, $3.00 each.

GILSON G. GLASIER, *Librarian*
Wisconsin State Library
Madison, Wisconsin

Word has just been received of the sudden death of Mr. Franklin O. Poole on February 6. He was one of the founders of the American Association of Law Libraries. He served for many years as Chairman of the Committee on the Index to Legal Periodicals and Law Library Journal.

CHECK LIST OF CURRENT AMERICAN STATE REPORTS, STATUTES[1] AND SESSION LAWS

Revised to January 15, 1943[2]

Publication	Dates of Regular Sessions	Source	Latest Vol. to Appear
ALABAMA			
Reports	. . .	West Pub. Co.	242
App. Reports	. . .	West Pub. Co.	29
Session laws	Quadrennial	Secretary of State	1939 Reg. & Ex.
Code, Compilation or Revision		Secretary of State	1940 Code A. 10v. with 1941 P. P.
ALASKA			
Reports	. . .	West Pub. Co.	9
Session laws	Odd years	Secretary of Territory	1941
Code, Compilation or Revision		Auditor of Alaska, Juneau	Comp. L. 1933 1v.
ARIZONA			
Reports	. . .	Bancroft, Whitney & Co.	57
Session laws	Odd years	Secretary of State	Reg. 1941, 1st Spec. 1940 1 vol.
Code, Compilation or Revision		Bobbs-Merrill Co.	1939 Code A. 6v. with 1941 P. P.
ARKANSAS			
Reports	. . .	Secretary of State	203
Session laws	Odd years	Secretary of State	Reg. 1941, Ex. 1939
Code, Compilation or Revision		Department of State, Little Rock	Pope's Digest 1937 A. 2v.
		Thomas Law Book Co.	1942 Cum. A. Supp.
CALIFORNIA			
Reports	. . .	Bancroft-Whitney & Co.	20 (2d)
App. Reports	. . .	Bancroft-Whitney & Co.	52 (2d)
Advance Parts	. . .	Recorder Prtg. & Pub. Co.	Weekly
Session laws	Odd years	Secretary of State	1941, incl. 1940 Extra Session.
Code, Compilation or Revision		Bancroft-Whitney & Co.	
		1941 Deering Civil Code 1v.	1937 Deering General Laws 2v.
		1941 Deering Civil Procedure & Probate Code 1v.	1937 Deering Constitution 1v.
		1941 Deering Penal Code 1v.	1939 Supp. to Codes & General Laws 1v.
		1937 Deering Political Code 1v.	1941 Supp. to Constitution, Codes & General Laws 1v.
		1937 Deering Commissioners' Code, 3v.	

[1] In response to suggestions from members of the A.A.L.L., the Editor has revised this Check List to include Statutory Compilations. Because of space limitations only one is listed for each state with the official set listed in preference to unofficial sets. The Editor will be glad to receive additional suggestions from members and subscribers concerning these statutory listings.

[2] With acknowledgments to the N. A. Phemister Company.

* Advance parts paged to correspond with permanent edition.

Publication	Dates of Regular Sessions	Source	Latest Vol. to Appear
CANAL ZONE			
Reports	. . .	Executive Secretary, Panama Canal, Balboa Heights, C. Z.	3
Code, Compilation or Revision		Superintendent of Documents, Washington, D. C.	1934 Code A. 1v.
		The Chief of Office, The Panama Canal, Washington	Supp. No. 1, 1938 Supp. No. 2, 1941
COLORADO			
Reports	. . .	A. B. Hirshfield Press, Denver, Colo.	109
Session laws	Odd years	Secretary of State	Reg. 1941
Code, Compilation or Revision		Michie Co.	1935 Stat. 5v. 1941 Replacement 1v. with 1941 P. P.
CONNECTICUT			
Reports	. . .	E. E. Dissell & Co., Hartford, Conn.	128
*Advance Parts	. . .	E. E. Dissell & Co., Hartford, Conn.	
Conn. Supp.	. . .	Connecticut Law Journal Pub. Co.	10
Superior Ct. Rep.	. . .	Bridgeport, Conn.	
Common Pleas Rep.	. . .	(Selected cases by Judges)	
*Conn. Law Journal	. . .	Weekly continuations	
Session laws	Odd years	State Librarian	1941
Code, Compilation or Revision		E. E. Dissell & Co., Hartford, Conn.	1930 Gen. Stat. 3v. 1931-33-35 Cum. Supp. 1v. 1937-39 Cum. Supp. 1v. 1941 Supp. 1v.
DELAWARE			
Reports	. . .	State Librarian	41
Chancery reports	. . .	State Librarian	22
Session laws	Odd years	State Librarian	1941
Code, Compilation or Revision		Delaware State Library, Dover, Del.	1935 Code 1v.
DISTRICT OF COLUMBIA			
Appeals	. . .	West Pub. Co.	74
Acts Affecting District of Columbia	. . .	John Byrne & Co.	42
Code, Compilation or Revision		Government Printing Office, Washington, D. C.	1940 Code A. 2v.
FLORIDA			
Reports	. . .	E. O. Painter Ptg. Co., De Land	149
Session laws	Odd years	Secretary of State	1941 Gen. & Spec.
Code, Compilation or Revision		Harrison Co., Atlanta, Ga.	1941 Stat. 2v.
GEORGIA			
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Code, Compilation or Revision		The Harrison Co.	1933 Code 1v.
HAWAII			
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		IDAHO	
Reports	. . .	Bancroft, Whitney & Co.	61
Session laws	Odd years	Capital News Pub. Co.	Reg. 1941
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		Courtright Pub. Co., Denver	1940 Supp. 1v.
		ILLINOIS	
Reports	. . .	Edwin H. Cooke, Bloomington	379
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Session laws	Odd years	Secretary of State	1941 2v.; 1941 Spec. in Sen. & H. J.
Code, Compilation or Revision		The Burdette Smith Co.	1941 Stat. 1v. State Bar Ed. 1942 Pam. Supp.
		INDIANA	
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Code, Compilation or Revision		Banks-Baldwin Law Pub. Co.	1934 Baldwin's Stat. A. 1v.
		Bobbs-Merrill Co.	1933 Burn's Stat. A. 12v. 1942 P. P.
		IOWA	
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Code, Compilation or Revision		Secretary of State	1935 Gen. Stat. A. 1v. 1941 Supp. 1v.
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Code, Compilation or Revision		Statute Revision Commission	1942 Rev. Stat. 2v. (Vol. 2 in preparation)
		LOUISIANA	
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		MAINE	
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Session laws	Odd years	Book Dealers in Portland and Bangor	Reg. 1941, incl. 1940 Spec. Sess.; 1942 Spec. Sess.
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Code, Compilation or Revision		Department of Secretary	1932 Gen. L. 3v.
		MICHIGAN	
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*Advance parts	. . .	Callaghan & Co.	
Session laws	Odd years	Secretary of State	1941; 1942 2 Ex. in 1v.
Code, Compilation or Revision		Secretary of State	1929 Com. L. 4v.
		Mason Pub. Co.	1940 Cum. Supp. A. 1v.
		Mason Pub. Co.	1942 Supp. 1v.
		MINNESOTA	
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		MISSISSIPPI	
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		Supplement Printing Co., Lincoln	1941 Supp. 1v.
		NEVADA	
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N. Y. Supplement	. . .	West Pub. Co.	36 (2d)
*Advance parts	. . .	West Pub. Co.	37 (2d)
Session laws	Annual	Williams Press, Inc.	1942
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OHIO			
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Criminal Reports	. . .	Cooperative Pub. Co., Guthrie, Okla.	73
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RHODE ISLAND			
Reports	. . .	State Librarian	66
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Acts and Resolves	Annual	State Librarian	1942
Public laws	Annual	State Librarian	1942
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Reports	. . .	E. W. Stephens Pub. Co., Columbia, Mo.	178
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*Advance parts	. . .	Government Printing Office	40
Aviation reports	. . .	U. S. Aviation Reports, Inc., Baltimore	1941
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Court of Claims	. . .	Government Printing Office	95
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*Advance parts	. . .	Government Printing Office	22
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Federal Reporter	. . .	West Pub. Co.	129 (2d)
*Advance parts	. . .	West Pub. Co.	131 (2d)
Federal Supp.	. . .	West Pub. Co.	46
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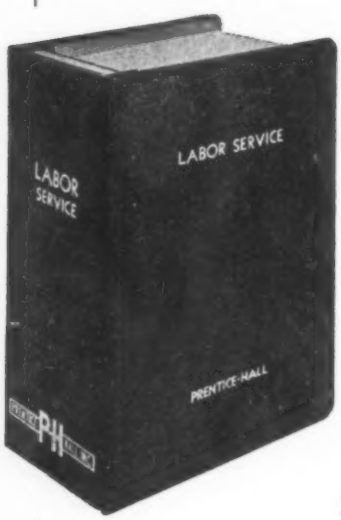

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